OHIO
RTHERN
NIVERSITY
LIBRARY
Heterick Memorial Library
Ohio Northern University
Ada, Ohio 45810

HOW THE WORLD VOTES

THE STORY OF DEMOCRATIC DEVELOPMENT IN ELECTIONS

HOW THE WORLD VOTES

The Story of Democratic Development in Elections

BY

CHARLES SEYMOUR

PROFESSOR OF HISTORY IN YALE UNIVERSITY

Author of "The Diplomatic Background of the War," "Electoral Reform in England and Wales."

AND

DONALD PAIGE FRARY

INSTRUCTOR IN HISTORY IN YALE COLLEGE

IN TWO VOLUMES

VOLUME I

1918

C. A. NICHOLS COMPANY

SPRINGFIELD, MASS.

Copyright, 1918,
by
C. A. NICHOLS CO.

Press of
J. J. Little & Ives Co.
New York

552
v.1

PREFACE

The war and the defeat of the Hohenzollern have assured the victory of democracy, not merely in the wider sense, but in the more narrow field of elections. With the acquisition of universal suffrage in Great Britain and the passing of the old Prussian system, a definite milestone on the road of political evolution has been reached. Henceforth we enter upon a new stage—that of assuring the safety and the usefulness of democracy and the democratic suffrage. With that latter stage of the future this book is not primarily concerned. It deals with the earlier process, the development of a popular electoral franchise, first in Great Britain, then in the United States, and finally in all the important countries of the world. The process has been delayed in eastern and central Europe and denatured in the Iberian peninsula and South America; but the main thesis of the book is nevertheless the continuous growth of the people's control as expressed at the polls.

The authors have laid emphasis upon the Anglo-Saxon countries and France alike, because of the natural direction of American interests and because of the importance of the growth of an electoral democracy in these countries. They have also given to many of their chapters an historical character, for it seemed profitable to investigate the origins of the British and American systems, and to linger somewhat over the details of early elections in Great Britain and the United States. Their

53093

point of view, however, has always been that of the present; they have not aimed at presenting anything approaching a complete historical survey, but have sought to furnish simply the background necessary to an intelligent comprehension of the various systems of elections now in operation.

The authors have drawn freely from the published works of many writers who have dealt with the subject of elections both in the past and the present, reference to whose books will be found in the bibliographical note at the end of these volumes. They are also deeply indebted to those persons who, by their assistance and advice, have made possible the publication of this book, particularly to Professor C. M. Andrews, of Yale University, Professor F. W. Coker, of Ohio State University, to the *Review of Reviews,* and to the authorities of the Yale University Library and of the New York Public Library.

TABLE OF CONTENTS

VOL. I

CHAPTER PAGE

I. INTRODUCTION. THE FOUR THEORIES OF THE SUFFRAGE 1–16

The four theories of the suffrage—Suffrage an attribute of citizenship—Elections in Athens—Use of the lot—Elections in Rome—Suffrage a vested privilege—Suffrage a natural right—Conciliar Movement and its effects—Interaction of French and American ideas in the eighteenth century—Flaws in the Abstract Right theory—Suffrage a function of government—Relation of this theory to electoral legislation—Supplement to this theory needed—The moral content of the franchise.

II. ELECTIONS AND DEMOCRACY IN THE MIDDLE AGES 17–38

The disappearance of Roman towns and institutions during the barbarian invasions—Origin of medieval cities—Effect of the Crusades—The Communal Revolt—The conjuratio or citizens' league—Connection between the gild and the city government—The gild and the suffrage—City elections in Southern Europe—The city councils—The Podesta—Progress of democracy—Electoral machinery—Use of the lot—The communes of Germany and France—Composition of the city council—Electoral ceremonies—Electoral banqueting—Conflict between the trade gilds and the craft gilds for control of the government—The exclusion of the artisans—Later victory of the lower classes—Gradual restriction of the electorate—Citizenship becomes an aristocratic monopoly—The rise of national assemblies—The Spanish Cortes—The Hansa League—Introduction of the idea of representation—Parliamentary elections—The Imperial Electoral College—Its members—Procedure—Medieval constitutionalism and the Church—The College of Cardinals—Papal elections—Ceremonies—The Conciliar Movement—Conception of a parliamentary papacy—Its failure.

III. THE BRITISH HOUSE OF COMMONS 39–63

Importance of British representative institutions in history of development of democracy—Origins of the House of Commons—The Witanagemot—The *Curia Regis* of

CHAPTER PAGE

the Norman kings—Local representative assemblies—The county court—Early Parliaments—The House of Commons—Growth of its power—Control of taxation—Development of law-making rights—Petitions develop into bills—Political power of the Commons under the Lancastrians and Tudors—The Civil War and Cromwell—Charles II and James II—The Revolution of 1688—Supremacy of Parliament—Commons controlled by the land-owning aristocracy until 1832.

IV. The British Electoral System Before the Reforms 64–90

Knights and Burgesses in the Commons—Difference in social position—Representative of aristocratic interests—Voting rights in county elections—In borough elections—Variations and complexities of the borough franchise—Scot and lot voters—Potwallopers—Burgage franchise—Freeman franchise—In general the borough franchise undemocratic—Distribution of seats—Uneven and unfair—Advantage of southern agricultural districts—Disadvantage of industrial districts at end of eighteenth century.

V. Electioneering in British Unreformed Days 91–112

In early days seats in House of Commons not regarded as desirable—Controlled by monarchic or aristocratic interests—Borough patrons—Pocket boroughs—Lowther—Power of nomination—Traffic in seats (boroughmongering)—Effects of system of nomination—Electioneering in the eighteenth century—Bribery—Wharton—Hogarth's election cartoons—Growth of corruption—The Christian Club of Shoreham—The Duchess of Devonshire as an electoral agent—Violence in elections—Expense of candidacy—The spendthrift election of 1768—Elections controlled by aristocratic or plutocratic influence.

VI. The Advent of Democracy in British Elections 113–145

Demand for reform at end of eighteenth century—Movements leading to Reform Act of 1832—Chief provisions of the first Reform—Immediate effects—Continued power of the aristocracy—Unfair distribution of seats—Increase of corruption—Further Reform Bills—Gladstone, Disraeli, and the Reform Act of 1867—Demand for more complete reform—The Corrupt Practices Act of 1883—Effect upon aristocratic influence—The extension of the suffrage in 1884—The redistribution of 1885—Transfer of electoral power to the masses.

CHAPTER PAGE

VII. Undemocratic Survivals in England: Elections After 1885 146–162

Character of British reforms—Barriers to Democracy remaining—The franchise—Red-tape involved in its acquisition—Latch-key voters—Length of residential period required—Payment of rates—Persistence of privilege in the suffrage—Plural voters—Unequal distribution of seats—Representation of a party in the Commons not proportionate to its voting strength—Expense of candidacy—Vestiges of corrupt electioneering—Exclusion of women from the suffrage.

VIII. The Reform Act of 1918 163–180

Attempts to remove barriers to democracy in British elections—Their failure—Attitude of Liberals and Conservatives—The Redistribution Bill of 1905—The Plural Voting Bill of 1906—The House of Lords prevents reform—Its veto-power weakened by Parliament Act of 1911—Reform Bills of 1912 and 1913—Position of woman suffrage—Effect of the war upon electoral reform—Revulsion of feeling in favor of woman suffrage—The new Reform Bill—Its provisions.

IX. The British Colonies 181–205

Character of democracy in the colonies—Comparative weakness of capital—Social prestige of less importance than in Great Britain—Types of government in the colonies—The development of Canada—Character of its House of Commons—Method of distribution of seats—Canadian franchises—The Commonwealth of Australia—Federal government—Universal suffrage in force—New Zealand—Extreme democratic character of the suffrage—The South African Union—The Senate and the House of Assembly—No uniform electoral franchise—General character of Canadian elections.

X. English Institutions in American Environment 206–226

American colonial institutions derived from England—Instructions to conform colonial elections to English practice—Originally broad suffrage limited in the latter half of 17th century—Franchise based on landholding—The landed classes attempt to disfranchise the landless—English borough franchise in the southern colonies—General copying of the English county franchise—English influence on conduct of elections—Calling elections—The poll—Electoral returns—Characteristic American developments due to democratic spirit and to frontier conditions—Importance of a vast supply of free land—Personal property as substitute for landholding

CHAPTER PAGE

qualification—The American point of view—The religious qualification—Differences from England in electoral methods—Nominations—Most characteristic differences were the proxy vote and the ballot—Origin of the ballot—Advantage of secrecy—Voting by ballot—The ballot developed to a higher stage in the proprietary colonies than in England—Proxy voting a New England product—Origin—Emphasis on the right of representation—Electoral feasting—The election day sermon—Frequency of bribery and fraud—Repeating—False returns—Use of violence—Penalties.

XI. The Acquisition of the Political Rights of Man in America 227–245

Limitations on the franchise at the time of the Revolution—The Westward Movement—Influence of the frontier on democracy—Origin of characteristic American traits and institutions—Demand for equal representation for western districts—The Carolinas—Western Pennsylvania—Vermont—Difference between English and American ideas of representation—Equal representation acquired—The Declaration of Independence not carried into effect in the franchise—Importance of the frontier in the fight for equal suffrage—Effect of the French Revolution—The Democratic Societies—Three stages in the advance of democratic franchise—Liberalization due to the contest for settlers—The franchise question in New York—The defense of the landholders' franchise—Manhood suffrage acquired—Present status of the franchise—Racial qualifications—Residence—Woman suffrage—Progress of the movement—Negro suffrage—Reconstruction in the South—Black Rule—Graft and the Carpetbaggers—Victory of the whites—Means by which the negro is practically disfranchised—The literacy test—Booker T. Washington on the question of the negro vote.

XII. The Machinery of Elections; Corruption in Elections in the United States . . 246–265

Registration—The introduction of the ballot—The Australian ballot—Massachusetts system and party column system—Evil of straight-ticket voting—Complexity of the ballot a fault—Need of a shorter ballot—Marking the ballot—Safeguards for purity of elections—Bribery—Campaign expenses and contributions—Demands of officeholders—on corporations—Violence at the polls—Pudding ballot—Marrow fat ballot—How repeating is managed—Its enormous proportions—Attempts to curb corruption—Publicity of expenses—The Oregon Campaign booklet—Organization of honest citizens the surest check—The Chicago Municipal Voters' League—Hopeful signs in the progress of democratic reform.

CHAPTER PAGE

XIII. The American Party System and Nominations to Office 266–289

The reason for political parties—What a party is—Party history in the U. S.—Necessity for a strong organization—The National Chairman—Mark Hanna—The State Committees—The Boss—How he acquires his power—Tammany Hall—Nominations in Revolutionary days—The caucus—Change to party convention due to growth in population and difficulty of travel—Legislative Caucus—Hostility of Jackson—Growth of party primaries—Violence and corruption—Beginnings of primary regulation—The reform wave of the Eighties—Conduct of primaries before introduction of direct system—Method of voting—The party convention—Boss control—Evils of the convention system—Introduction of direct primaries—Early forms—Tendencies in primary legislation—Conduct of direct primaries—The preferential vote—The primary ballot—How the party platform is drawn up—The strong and the weak points of direct primaries—Legalization of parties—Advantage of popular education—They have not called out a larger number of candidates—Growth of nomination by petition—Its advantages in municipal elections—Non-partisan city elections—Reforms in party government and nominations all tending to greater popular control.

XIV. Presidential Nominations and Elections in the United States 290–305

Congressional caucus nominates John Adams—Denunciation of the caucus method—Adopted by the Democratic Republicans and Jefferson—Opposition to this method during the Jacksonian epoch—Nomination by state legislation or mixed state convention—Origin of the National Convention—Representative party system—Status of a delegate—Difficulty of enforcing responsibility—The Unit Rule—The Meeting of the Convention—The Favorite, The Favorite Son, and the Dark Horse—Convention oratory—Services of the nominating convention—Introduction of Presidential primaries—Election to the Presidency still indirect—The terms of the Constitution—The Electoral College—Its theory—Failure to realize aims of its founders—Evils of the electoral college system—Fails to represent popular choice—Instances of this—Haphazard method of counting electoral votes—Disputed elections of the past—Double sets of returns—Contested election of 1876—The Electoral Commission—Electoral Count Act of 1887—Needed reform of the Electoral College and the system of counting.

CHAPTER PAGE

XV. Elections Under the French Revolution and Napoleon 306–327

General causes of the French Revolution—The electoral system of 1791—Control granted to the middle class—New electoral system follows the fall of the monarchy—Universal suffrage introduced in 1792—Restricted suffrage under the Directory—Features of elections and electioneering in Revolutionary days—The suffrage under Napoleon—Elections entirely controlled by the Emperor and imperial officials.

XVI. The Conquest of Manhood Suffrage in France 328–351

The form of government under Louis XVIII—Voting rights—Methods of election—The Electoral Law of 1817—Control held by the reactionaries—Official influence in elections—The July Revolution of 1830—The franchise still restricted—Methods of electioneering—Corruption—Demand for reform—The Revolution of 1848.

XVII. Napoleon III and Universal Suffrage . 352–367

Application and effect of universal suffrage in 1848—Gradual restriction of franchise—Louis Napoleon champions universal suffrage—Establishment of the Empire—Restraints on legislation—Official candidature—Power of the prefects—Control of the Press—Restrictions on pamphlets—Gerrymandering—Part taken by bureaucracy in elections—Position of the mayors—Manipulation of the electoral lists—Abstentions under the Empire—Growth of the Republican Opposition—Napoleon's concessions—The fall of the Empire.

XVIII. Elections and Electoral Reform in the Third Republic 368–392

Proclamation of the Third Republic—Attempts in the National Assembly to denature universal suffrage—Conservative schemes blocked by a new element in politics—Position of the lower bourgeoisie and laborers—Constitutional laws of 1875—Electoral procedure—The count—Ballottage—Official pressure continued—The delegué—Manipulation of the lists—Corruption—Introduction of the ballot—*Scrutin de liste* vs. *scrutin d'arrondissement*—Combination of *scrutin de liste* with proportional representation—System of proportional representation proposed for France—Its effect on parties—Chief French parties—Action Libérale Populaire—The Bloc and its decay—Parti Socialiste Unifié—Peculiar character of French parties—Conclusion.

ILLUSTRATIONS

	FACING PAGE
King Edward I	46
Bub Doddington	84
Humors of an Election Entertainment	92
Canvassing for Votes	100
The Polling Booth	108
Chairing the Members	112
The Middlesex Election 1804	128
Benjamin Disraeli, Earl of Beaconsfield	132
A Leap in the Dark	140
Cad and Clod	144
William Ewart Gladstone	160
The Houses of Parliament	174
Going through the form of Universal Suffrage	234
A Massachusetts Ballot	250
"That's what the matter"	260
"What are you laughing at? To the Victor belong the spoils"	268
The Tammany Tiger loose	276
Awaiting Returns on Election Night, New York City	284
A National Convention in Session	320
The Triumph of Universal Suffrage	336
Louis Napoleon Bonaparte about to Murder the Republic	344
President Louis Napoleon Bonaparte Taking the Oath to the Constitution	354
Louis Napoleon Bonaparte	362
Leon Gambetta	368
Aristide Briand	384

HOW THE WORLD VOTES

CHAPTER I

INTRODUCTION. THE FOUR THEORIES OF THE SUFFRAGE

Our modern suffrage is a composite of ideas and practices, which have their source in the most widely separated epochs of the world's history, from Pericles to Jeremy Bentham, and from the laws of Solon to the Declaration of the Rights of Man. In formation it resembles the successive stratifications of geology rather than the organic growth of biology, for the chapters in the history of the franchise are not necessarily interdependent. There have been four different ways in which in general man has regarded his right to participate in government by means of his vote. He has, in distant times and comparatively simple conditions, considered it a natural accompaniment to his membership in the state, from which he could in no way divorce himself save by forsaking the state. Secondly, in the Middle Ages men voted only by virtue of the land or the title they held, not because of their manhood or their citizenship. This attitude was supplanted in the days of budding constitutionalism by the belief in the franchise as an abstract right, to which a man is entitled, as he is thought to be entitled to the rights of life, liberty, and the pursuit of happiness. Finally, in the nineteenth century we have come to regard voting as we

do office holding, a function of citizenship to be exercised for the service and at the will of the state.

In Athens, as well as in other early governments, the theory of the suffrage was primitive and tribal. The vote was neither a function of government nor a right, but a normal and essential act of citizenship. The Greek state was a projection of the family on a national scale, if the use of the word here be not premature. Membership in the family and in the state was equally natural. There were many ceremonies to remind the citizen of his relations to his fellows, which betrayed their familial origin —the common feasts, or in Sparta, the barracks and the common table; the gathering of the elders, the fathers of the tribes; and so on. The omnipresence of the state in the most intimate affairs of life was so overshadowing that the state was in one sense almost despotic. It was impossible to separate the state and the individual; neither could the latter distinguish the acts which he performed as an individual from those which he performed as a citizen. Not all of the inhabitants of Athens voted; but all the citizens voted, just as they all took part in the worship on the Acropolis.

The vote was not used in Athens for the election of magistrates except in the case of special offices, which required higher capacity than could be secured by chance. The Athenians believed election by lot to be the only system possible in a democratic state. In the early stages of civilization the lot was regarded as a taking counsel with the gods, and offices filled by lot endowed their holders with a peculiar sanctity. From the days of Homer to the end of the Roman Empire the lot was employed in choosing the priests. In Athens it was used for naming the archons, whose office was a union of the functions of

priest and magistrate. Although in its origin the lot was undoubtedly religious, statesmen after the fifth century avowedly maintained it because it was democratic; and in many Greek states outside of Attica the lot was adopted for the special reason that it was thought essential in a democracy.

An understanding of the complete identification of the individual with the state will make clear the basis of this almost universal belief. The *demos* did not appoint its representatives, and then deliver its right of self-government into their hands until the next election; it was a compact and visible body, capable of gathering *en masse* in the Assembly and of passing laws for itself. The people did not bind itself to follow a set policy, by giving control to officials committed to that policy. If officials, chosen by lot, attempted to carry out an unpopular program, the Assembly could reverse their action; and the officials did not resign, but rather conformed to the Assembly's will—or else faced trial when their term had expired. The generals and other magistrates were the servants of the people in a more exact sense than are any modern presidents or prime ministers. The lot was preeminently adapted both for avoiding the election of masterful individuals, not content to derive their authority from the Assembly, and for assuring all, even the humblest, citizens an opportunity to hold office. Aristotle recognized that the *demos* was a tyrant, in that it must prevent individuals from attaining great importance in the state. All men and all offices must depend on the people.

In addition to the election by lot, the popular will was assured expression by another means: the vote in the law courts. The peculiar system of courts, whereby every public man was continually liable to prosecution by the

lowliest of citizens, was a check upon officials. Conviction in the courts meant little more to the accused than does an adverse general election to the British Prime Minister. Pericles, Alcibiades, Demosthenes, all suffered condemnation with but slight loss of prestige: Aristophon was accused and acquitted seventy times. The courts afforded to the Athenian the same opportunity for critiçism which the modern citizen enjoys in the vituperations of the electoral campaign. This fact diminishes our amazement at the extraordinary activity of the Athenian courts. The vote in them was, like the direct, popular vote in the Assembly, really a supplementary act of election.

The people thus gathered to itself all departments of government, the legislative, the judicial, and the electoral; and of these perhaps the least important was the third. At Athens the Assembly, not the magistrates, governed. Public office was not then so much coveted for the power it gave; for the lot made it the prize of mediocrity, by ordaining that it should be merely the machinery of administration, not the guiding hand.

Although the citizenship was more generously granted in Rome during the Republic than in Athens, the government of the two was identical in this respect, that both were city states without representative assemblies, states in which the people as a whole elected its magistrates and made it laws. In the political functions of the government all citizens of Rome were equal, after the beginning of the fifth century *ab urbe condita.* Their functions were performed, however, in a totally different manner from that which we have described in Greece. They actually elected their officers by a process fairly similar to modern customs of voting.

There were at the end of the Republic three electoral

assemblies in Rome: the Comitia Curiata, the Comitia Centuriata and the Comitia Tributa. The first named had come down from the early history of the city, as a general assembly of the thirty curiæ, into which the citizens were divided. It had long been largely a formal survival of a by-gone system, a political appendix. The Comitia Centuriata had robbed it of its significance by assuming the election of a majority of the chief magistrates—the consuls, the censors, the prætors, the decemvirs, and the military tribunes. All Roman citizens of the city itself had the right to vote, as well as all citizens who did not inhabit a colony or a municipality with electoral rights of its own. The order of vote began with the knights, then following the centuries of the first class (determined by lot), and so on. Voting continued only until a majority for some candidate had been obtained, and rarely did an electoral contest prolong itself until all the citizens had expressed their choice.

As the early vote of the knights gave the patricians a marked advantage in both the Comitia Curiata and the Comitia Centuriata, in the course of democratic development the Comitia Tributa was created as a more thoroughly plebeian assembly. It needed no authorization from the Senate to meet under presidency of the tribune. When so convened, it elected the tribunes and the ædiles plebis; when presided over by a consul it named the quæstors and most of the lower magistrates. Here all Romans voted by their tribes, of which there were four in the city of Rome and thirty-four in the rest of the Republic.

The elections by the Comitia Centuriata took place on the Campus Martius, the field outside the walls where formerly athletic contests had been held. At sunrise the

heralds passed through the city with trumpets, and soon all Rome was streaming out through the gates to the assembling place. The voting lasted through all of the long, Italian, summer day. In the war-like days of the early Republic, the citizens met, like our own Pilgrim fathers, with arms in their hands and flags at their head, and part of the people voted, while others stood guard. Later, when the danger of attack had passed, the Comitia was a jostling but good-humored crowd, which Cicero described as an immense and profound sea, troubled by the winds, which rolled and tumbled it hither and thither. The Campus Martius was equipped with the wooden stockades into which the dealers in mutton herded their flocks. Into these enclosures were now herded the citizens of Rome, small and great, and they were not allowed to emerge until their turn to vote had arrived. The ceremonies began with prayer and sacrifice. Then the order of vote was determined by lot, the century of the knights being the first to vote, according to the Servian constitution. Out of their pens the voters passed by means of stiles, and as they came out they spoke the name of the candidate of their choice to the tellers at the gate, or marked it on a wax tablet with a stylus. The tribunes protested against the unfair pressure which resulted from this public vote, and the Lex Gabinia later provided for the use of the ballot. Each voter, at the moment of voting, was given by an attendant a tabella, or list containing the names of the candidates, and a carved, wooden ballot for each of the names thereon. He dropped his choice into an urn under the watchful eyes of friends of the candidates stationed there to prevent dishonesty, and returned the other ballots to an attendant outside. The result of the polling was announced by herald.

Among the Germans, likewise, voting was an act in which every member of the tribe participated by virtue of his membership. The words of the elders and the nobles carried more weight only because they were the *witans,* wise men, not because they were better born or more wealthy; and the freemen of the tribe might override the counsel of the chiefs. Tacitus describes the method of vote in the tribal assembly. Measures were prepared and discussed in a smaller gathering of the chiefs, before they were laid before all the voters. The assembly met under arms, and listened respectfully to the arguments of its elders, then expressed its consent by shouts of approbation, its dissatisfaction by clashing of arms.

The theory that the suffrage was a necessary adjunct of citizenship passed from the classical state to its lineal descendants, the medieval cities of Italy and Southern France. In several of them the lot was employed in election; in practically all, the Council, superior to the Assembly, was retained.

The body of citizens was hardly broader than it had been in Athens, and as time went on, citizenship became hereditary in a comparatively small number of old families. In modern times we still feel the influence of the primitive idea of the suffrage, to the extent that we make citizenship one of the qualifications for voting, although only one. It is a legitimate question whether, supposing that the principle of an international league of nations gains acceptance, it would not be more sensible to abandon the theory which we have inherited from classical times and to extend the suffrage to aliens also, who have fulfilled a residence requirement.

The second theory of the suffrage, which formed the basis of elections in the medieval state, held that voting

was not a natural act of citizenship, but a privilege attached to a definite economic status, generally the ownership of land. This concept was a corollary of the general feudalization of society and government. Since the day when the national assembly, the *Marzfeld,* became too large to be convened, no man of the middle ages had seen the "people." The city-state of Greece was based upon men; the medieval state rested on and was representative of land. There was indeed no common, united people to be represented. The day of the national state was not yet, and the three estates of the nobles, the clergy, and the commons, were as widely separated as were the English, the Germans, and the French. When, after the welter of the Carolingian break-up, national states began to appear upon the Continent, they were "Estates States," won by the arms, and guided by the counsels, of property-owning nobles. The development in England was not dissimilar. Out of the band of privileged nobles, who had been called to the King's side as his councilors, grew the House of Lords. The right to be summoned to the House of Lords attached to a feudal status, determined by the amount of land which an individual possessed and the nature of his tenure. When in the thirteenth and fourteenth centuries lower Houses made their appearance in England and on the Continent, the right to vote for delegates to these bodies was identical in kind with the right of the noble to be summoned in person to appear in Parliament. Some jurists have argued that even in the cities the suffrage was based upon the ownership of a considerable piece of land or, in fewer cases, of a house. Chief Justice Holt in England said in 1704 (*Ashby vs. White*): "The election of knights belongs to freeholders of the counties, and it is an original right, vested in and insep-

arable from the freehold, and can no more be severed from the freehold than the freehold itself can be taken away. As for citizens and burgesses, they depend on the same right as the knights of the shires, and differ only as to the tenure; but the right and manner of their election is on the same foundation." There is a large element of truth, although perhaps not the whole truth, in this contention.

The suffrage as a vested privilege was imported with English institutions into the American colonies and affected electoral law until well into the nineteenth century. Its undemocratic tendency was less evident because of the plentiful supply of free land, which made it easy for any man to qualify himself as a voter; but the spirit of colonial legislation was in harmony with English precedent, as numerous expressions of a desire to emulate the latter testify. Men of property considered it a dangerously subversive innovation, when personal property was first accepted in lieu of land. This second theory of the suffrage has been the basis of English elections until today, and indeed of the property qualification for voting, wherever found. It is seen in a multiplicity of ingenious devices for giving preponderance to the propertied classes. Weighted voting, such as is practiced under the Prussian three-class system of special representation for wealth, plural voting in Belgium and elsewhere, the extension of the vote to women tax-payers and not to other women, all accomplish the same end by divers means.

Even in the days when the feudal theory of the suffrage was most generally accepted, a third school of thought was forming, which did not reach maturity until modern times—that of the philosophers who believed that men should vote because of their rights as human

beings. In sharp contrast to the omnipotence of Land was the value set upon the individual by those who believed in the Rights of Man. Although the era of the French Revolution caught up the doctrine and blazoned it in letters of fiame, it was far older than the Frenchmen of 1789 or the Americans of 1776. Thomas Aquinas, the incarnation of medieval scholasticism, clearly implied an abstract, popular right to vote, when he wrote that sovereignty belongs to the whole people.

In the days when the great Church Councils were striving to end the grievous schism in Christendom, other churchly statesmen saw in Aquinas' words the promise of a panacea for all the ills of Rome. Marsiglio of Padua insisted that a ruler, even though he be Pope, had authority only through his election by the people, that the latter had the right to make all laws. William of Ockham and Nicholas of Cues pushed the theory of popular sovereignty to still more explicit and radical lengths. They found in the voluntary delegation of power by the nation a ruler's only claim to the obedience of his subjects. The philosophers of the Conciliar Movement elaborated from this groundwork the structure of a parliamentary papacy with an assembly, representative of Christendom, elected by all true believers.

The dream of the fourteenth century did not perish, although a rejuvenated papacy prevented its fruition within the Catholic church. It still inspired the champions of religious liberty, until in the seventeenth century it became an accomplished political fact. Robert Browne, the first formulator of Congregationalism, called the Church a company of Christians, which "by a voluntary covenant made with their God are under His governance and live in one holy communion." As for the power

which Christ bestowed upon the Church, John Robinson, pastor of the Plymouth Pilgrims at Scrooby said: "The Papists plant it in the Pope; the Protestants in the bishops; the Puritans in the Presbytery. We, whom you name the Brownists, put it in the body of the congregation, the multitude called the Church." It was the Separatist custom, therefore, that ministers should be elected by their congregations.

In the church-state of Plymouth and in the Fundamental Constitutions of Connecticut the principal of ecclesiastical elections was extended, without violence to logic, to the election of public officials also. Thomas Hooker of the Hartford colony declared that the election of magistrates belongs to the people by God's own allowance. We shall see that in the New England colonies some of the features of church elections were carried over into politics, showing how little distinction was made between government and religion. The right to vote was, however, most often a right of church members only.

Throughout the century, after the colonization of America gave it partial effect, the theory of the abstract right to vote was germinating both in America and in Europe, where it attracted a very different type of champion from the Puritan statesmen and philosophers. It came to its own with the American and the French Revolutions. We shall not undertake here to determine the relative importance of French philosophy and Puritan tradition in ushering in the epoch of the Rights of Man, for it would be a difficult task to allocate the chief responsibility among the ecclesiastical statesman, Hooker, the brilliant atheist, Rousseau, and the sage, Montesquieu. For at least a quarter century there was a close mutual interchange of ideas between the two allies against George

III. Not an American but is familiar with the passage in the Declaration, which affirms, after the manner of the philosophers we have mentioned, that "all governments derive their just powers from the consent of the governed."

Of perhaps more influence in France were the State constitutions of our early federal period, with their bills of rights. Five years before the fall of the Bastille the constitution of New Hampshire declared: "All government originates from the people, is founded in consent, and instituted for the general good. All men have certain natural, essential, and inherent rights. . . . All elections ought to be free, and every inhabitant of the state having proper qualifications has an equal right to elect and to be elected into office."

In France, Montesquieu had agreed in the main with the abstract right theory, but would also have deprived of the right to vote those who were in so humble a situation as to have no will of their own. His limitation was not accepted by the radicals of 1789. Condorcet was for complete equality: "One of these natural rights we consider to be that of voting for common interests, either personally or by freely elected representatives. Women should have absolutely the same rights. . . . Either no individual member of the human race has any real rights, or else all have the same."

Here in very brief form is the substance of the theory which has been the breath of life to European Liberalism during the nineteenth century. It is the faith of the masses to-day regarding the suffrage. They have not yet ceased to think in terms of the social contract and popular sovereignty. It is one of the many cases where an untenable political doctrine has served a righteous end,

for unquestionably the great advance of democracy since 1789 is largely due to the strong popular belief in the rights of man. But in spite of its services to direct representation and to parliamentary government, the theory that every man has a natural right to vote no longer commands the support of students of political science.

It is an error to identify the whole nation with the electorate. Although government may derive its authority from the nation, it does not derive it solely by virtue of the votes in an election. Otherwise non-voters or members of minorities would be automatically excluded from the life of the state. In voting the voter exercises, not an inherent right, but a privilege conferred upon him by the whole people. The result of his vote in the election of a representative, and the legislative acts of that representative, are subject to the higher revision and control of the nation as a whole, both voters and non-voters, in other words, to public opinion.

The fourth theory of the suffrage, that it is a function of government, seems to have had its rise even at the moment that the theory of natural right was reaching the apex of its popularity in France. To protect the bourgeoisie from being swamped by the flood of plebeian votes, which a strict application of the Declaration of Rights would have permitted, Abbé Siéyès, the constitution-maker of the Revolution, evolved the theorem that there were in the state active and passive citizens, the latter being those who did not contribute enough to the taxes so that they had a right to share in the sovereign acts of the government. "The exercise of a public function is not a right but a duty, and the officers of the nation have beyond the citizens only greater duties."

However narrow-minded in its first application, the

concept of the suffrage as a public office is accepted to-day by the weightiest authority as being the basis of a more efficient democracy than can be developed upon natural right. The suffrage is a means towards working the constitution without which a vote would have no worth *per se.* It is therefore a right existing by grace of the law, and not prior to law; it is not on a par with civil rights, the minimum of protection with which a citizen is safe. A man has no more right to vote than he has to be a member of parliament, for both electorate and legislature are organs of the state, created by law, and modified for reasons of political expediency. Their size can be alike expanded or contracted by the government whose foundation they are, if the highest interest of the state will be served thereby.

"The suffrage in the state and for political purposes is not a natural right of man, but a political right, derived from the state and serving its ends. Not as men but as citizens do the electors exercise their right. They have it, not because of themselves, not because their personal existence demands it, but they have received it from the state's constitution and exercise it in the service of the state." President Cleveland expressed this idea, when he said: "Your every voter, as surely as your Chief Magistrate, under the same high sanction though in a different sphere, exercises a public trust."

This latest theory of the suffrage is the sole justification for much of the electoral legislation which occupies Parliaments the world over. If every human being has an inherent right to vote, the only end of law-making would be to put the fullest universal suffrage into effect with the least possible delay. We should not be bothered with endless debates over woman's rights, a literacy test,

a tax-payer's qualification. Because the electoral organ of the government needs to be competent to function efficiently, it must be enlightened and independent, not weakened by the morally, or perhaps the financially, bankrupt. Because the electorate must truly mirror the whole nation, minority opinion must be cared for by proportional representation, even though the "right" of the majority to rule be thereby impaired. Compulsory voting and ballot reform are but means to render the electorate more efficient. Despite all the vices of the Prussian electoral system and the ignoble ends which it has served, there is this of good in it, that it does obtain beneficial results by granting special power to the wealthy and intelligent few, results which we fail to obtain by entrusting unregulated power to the boss and his dishonest oligarchy. The purpose of special representation of interests is thus, in theory at least, better to serve the state. We must, however, never lose sight of the ideal society in which education will have qualified all for an equal share, and we must be sure that the interests specially represented are not those of selfish and obstructionist monopoly.

Since by itself the franchise, granted merely as the instrument of a public duty, is narrow and sterile compared to the enthusiasm inspired by the acquisition and defense of a personal right, it needs to be supplemented by a clear perception of the moral content of the vote. Lincoln's vision of the citizenship of the emancipated negro had its source in the passionate faith in the moral worth of the individual human being. Kant gave this noble concept words: "So act as to treat humanity in ourselves and in others always as an end, never as a means only."

Although the franchise is not a native right, entailing

no responsibility upon its holder, it is something to which he is entitled as soon as he has demonstrated even an elementary fitness for it, because it is necessary for his full, moral development. "There is no means to be named beside political rights, whereby the wider interests of life may be made a vitalizing influence throughout the rank and file of democracy." "The right to vote can alone open up to its possessor the sphere of public activity, which cannot be closed on him who is fit for it, without contracting his life and stunting his development. We cannot respect men for the moral worth that is in them, and yet think it a final and satisfactory state of things, that they should spend themselves on interests that never go beyond the range of private lives."

This then is the *dernier cri* of democracy in elections. We may say with justice, that we have passed from under the law of abstract rights to that of rights based on the dignity of humanity, for the newer vision of the franchise entails responsibility upon the voter, as well as upon society. It excludes from full citizenship those who are not disposed to make themselves morally and mentally efficient members of the body politic, and who will not trouble to place themselves at the edge of the tide of civic life, where it may carry them upwards to a riper and fuller self-consciousness.

CHAPTER II

ELECTIONS AND DEMOCRACY IN THE MIDDLE AGES

Few of the old Roman municipalities survived the disintegrating effect of the barbarian invasions. In Gaul and along the Rhine Cologne (Colonia Agrippina), Augsburg (Colonia Augusta), Strasburg, Amiens, Beauvais, and others had been centers of wealth, in which the Emperors sometimes abode. But on this foreign soil Roman institutions were not indigenous nor of long duration. The barbarian tide buried even the Roman towns of North Italy. Viriconium, one of the richest British cities, was so wholly obliterated that its location was undiscovered until the nineteenth century. To-day, of five hundred French towns hardly eighty date back to the Gallo-Roman period. What cities remained had less connection with Roman municipal institutions than with the rural society of the Germans.

There is a fundamental similarity in the early growth of the towns of medieval Europe. In the anarchy of the ninth and tenth centuries the control of most cities, old or new, was usurped by the strongest local lord, usually the bishop. The old proverb, "There is good living under the cross," indicates the popularity of episcopal towns. The German Emperors entrusted to the bishops full judicial and administrative powers within their dioceses, with the right to appoint all the municipal officers, chief of whom were the Vogt, the president of the law court, and

the Burggraf, military commander. These squalid, isolated, urban groups were without defense against exploitation by their seigneur. After the missi dominici of Charlemagne had declined into impotence, the bishop levied tolls and fines and exercised the right of life and death over them almost without restraint. So profitable were his rights that seigneurs attracted settlers by the establishment of a market or by guaranties of special favors. Their returns consisted in the tolls on trade which they could levy and the rights of justice which they administered in the towns, as well as the added military resources in men and treasure. In addition the town enjoyed a special legal status and a special peace as a fortress or "borough." These feudal dues, the regalia for which Frederick Barbarossa struggled so long with the Lombard cities, were the object of attack by the burghers of nearly every medieval town. Attempts to overthrow the local lords were, however, scattering and usually fruitless before the eleventh century.

The economic change which the Crusades worked in Europe brought with it a political transformation in town life. Hitherto the towns had been small and poor because the slight demands of a self-sufficing agricultural community permitted few men to live by commerce or manufacture. Land was indispensable, and land could not be tilled within the cramped confines of a city. With the pilgrimages to the Holy Land, and to a still greater extent with the Crusades, a demand for Eastern luxuries was stimulated in the West, and a commerce with the Levant revived, by which the cities of Italy and Provence were the first to profit. But the advantages of a trade which reached to Scotland and the Baltic could not be confined to one locality. The lack of coin, as well as a

fundamental economic law, caused a return flow of raw produce and crude manufactures, to balance the influx from the East. A class of merchants, dwellers in towns, grew up, in supplying whose needs a whole new manufacturing and laboring class was attracted to the towns. The effect of the increase in wealth and population was immediate. If the burghers chafed under the seigneur's authority, they now had the means in money and men to buy or force their independence from him. In the emancipation of the bourgeoisie lies the root of medieval constitutionalism. There is no talk of ultimate sovereignty residing in the people, no consultation with the Third Estate, until the prosperity of the towns had made feudalism economically impossible.

The Communal Revolt, as the liberation of the cities is called, was a Europe-wide struggle extending from the eleventh through the thirteenth century. In many cases armed insurrection was necessary to secure freedom. Such was the uprising at Laon in 1112, when the burghers rose and slaughtered an arbitrary bishop in his wine cellar, and dragged the nobles and their ladies through the streets. For a time Louis VI quelled the revolt, but sixteen years later he granted communal government to forestall another reign of terror. These ferocious outbreaks were not everywhere successful. The Bishop of Cambrai subdued his subjects with an army of German and Flemish mercenaries, who massacred the luckless inhabitants even in the churches, cut off their feet and hands, tore out their tongues, and branded them with red-hot irons. A dozen times did Chateauneuf revolt against the Abbot of St. Martin at Tours, and was as often conquered. The picturesque street warfare described by Thierry was, how-

ever, an accidental mode of acquiring freedom, never a concerted movement by a large number of towns.

More often the transformation was peaceable. In France Louis VII and Philip Augustus seized the lever upon the feudal nobility which the towns afforded. While repressing liberty in their own domain, they dispensed it generously elsewhere in return for support against the barons. The indigence of the nobles was another cogent reason for granting charters to the communes, for they were perpetually in need of money for neighborhood war. A town's ransom was princely compared to the feudal dues or the plunder, which the nobles normally exacted. German towns occasionally forfeited their independence through inability to fulfill too lavish promises. During the continual warfare of the Middle Ages the burghers sold their assistance to the highest bidder, and often in the mutual exhaustion of rival lords, the town emerged scot-free. Finally, a town might have a charter of liberties forced upon it from above by a seigneur who wished to have a claim on its gratitude.

In whatever manner achieved, the Communal Revolt was generally the work of a conjuratio, or citizens' league. Upon this organization is based the corporate nature of medieval town government and the application of corporation law to the rights of franchise and representation. We are far out of the Middle Ages before we see the end of the corporate idea of citizenship. Neither did it stop with the English Channel, but traveled through the English borough system to the American colonies.

The organization of the conjuratio was modeled on that of the ubiquitous medieval gild, a coöperative association for the regulation of commerce and manufacture. The gild was the ground-work, not only of business, but

also of social and religious life, with its meeting halls and banquets, its mystery plays on church days. The most wealthy and important gilds were in general the merchant gilds, which were the first to profit by the growth of trade. Originally without political significance, power clave to them because they represented the finances of the city. Antagonism to the local despot naturally turned to the elaborate gild system for an organization, just as the early church modeled itself upon the Roman Empire. While the communal government did not develop out of the merchant gilds, these leagued the citizens together in a common cause and assumed a corporate authority for all, in bargaining with the seigneur. The wealthy aristocracy of the merchant gilds was the agent of civic emancipation, and projected into municipal government the forms and regulations of a mighty private association.

The natural beneficiaries of the new freedom were the members of the conjuratio, which had won it. We shall, in referring to the franchise in medieval towns, understand by the term not only the right of voting, but also the other privileges of citizenship, which the medieval mind in no wise distinguished from the right of suffrage. The commune was everywhere an industrial or mercantile body and the burgher was characteristically a gild member. Originally this body was broadly democratic since it needed the money and arms of all for success; but after the Golden Age of the Revolt the commune became a monopoly of the wealthy merchant classes. As the civic privileges became more lucrative, they were hedged in by an increasing number of restrictions to exclude the artisans of the craft gilds. The franchise was extended only to men of legitimate birth, free from debt and from incurable disease. Residence within the walls was not

sufficient; a burgher must pay an entry tax, like the initiation fee into a gild, and own land of a prescribed value. This burgage tenure, a survival of the days when the city was a country town, later changed to the possession of a stipulated income. After a war or a pestilence had decimated the city, the qualifications were lowered. Even with a low requirement the majority of the artisans were disfranchised. So oppressive was the aristocratic monopoly, that in many cities the revolt against the bishops was followed a century later by an insurrection of the craft gilds against the patricians.

There is in this development of the medieval towns a fundamental uniformity over all Europe. If a distinction be made, it should be between the North, where the oligarchy of merchants was strongest, and the South, where a very pure type of municipal democracy was achieved. Yet the differences are less essential than the similarities and had virtually disappeared by the fourteenth and fifteenth centuries.

The cities of Italy and Provence passed through an exhausting struggle between the feudal landowners and the new citizen class, before they reached the division between merchant burghers and craft burghers. From this early antagonism arose the peculiarities of municipal life in the South—the kaleidoscopic succession of constitutions, the complexity, the use of the lot, the greater purity of democracy. In Italy the cities swallowed up the country. The feudal nobles who preyed upon the trade and industry of the cities were emasculated by being forced to live a large part of the year in their *palazzi* within the walls. In time they had their revenge by turning traders themselves, and attaching themselves to the circle of ruling families, until they ended by fairly

usurping the government of their former enemies. An imminent danger from feudality within the walls, as well as a disposition to impose checks and balances rather than to root out the dangerous class, forced the burghers to evolve the striking political characteristics, which seem to have so little in common with the other towns of Europe.

After the expulsion of the bishops, the executive power was exercised by consuls, usually twelve in number, elected from the feudal nobility of the city wards. In a few towns they were chosen by direct universal suffrage, but generally a more complicated system was preferred. The consuls were assisted by an upper council, the Credenza, to which the gilds appointed representatives. Neither were the members of the Great Council elected, so that the effective political bodies were strictly oligarchical. The Parlamento, or general assembly, which met in the town square at the call of the great cathedral bell, was called on only in matters of great importance, where a purely formal yea or nay vote was possible.

The weakness of the divided executive before the lawlessness of the nobles led, about 1200, to the election of a foreign, feudal noble, the podesta, whose function was to protect the burghers against the patricians. The consuls just described continued by his side as an advisory council. With the election of a podesta the democratic development of most of the towns north of the Apennines stopped. The antagonism between nobles and plebeians was so destructive that it paved the way for the establishment of tyranny.

In the cities of Tuscany, of which Florence was chief, the movement toward democracy was longer enduring. As the podesta failed to curb the nobles, the people in

1250 elected another foreign noble, the Capitano del Popolo, who resembled the Roman tribune. He was a plebeian officer at the head of the militia, while the podesta commanded the aristocratic cavalry. The gilds stood compactly behind him. Every six months the heads of the warehouses and shops of the *Arti*—the gilds—met and chose by indirect election four consuls to enforce the gild rules. The chiefs of the *Maggiori Arti*—the drapers, bankers, silk-dealers, druggists, spicers, and furriers—served on the council of the Capitano del Popolo.

The control of the patricians was still further weakened, when in 1282 most of the powers of government were transferred to six Priori, elected for six months, one from each of the greater gilds. Only the members of the gilds were eligible to these highest civic offices, and they owed their authority to the votes of their fellow artisans. The rivalry between the nobles and the industrial classes thus led in Tuscany to a brief stage of pure, gild democracy.

To the same antagonism is due the revival of an ancient Greek mode of election—the choice by lot—to guard the purity of the poll from party intrigue. Venice employed it in its most exaggerated form in the election of the Doge. Thirty members of the Grand Council were first chosen by lot as Lectors. A drawing from thirty wax balls designated nine of these. The nine Lectors, having sworn impartiality, elected forty men from the mass of the citizens. One of the Councillors now sallied forth, attended mass in San Marco, and at the coming forth from mass seized the first boy whom he met and brought him to the palace. The child drew from a hat sufficient wax pellets to indicate twelve of the forty citizens for further service. The twelve elected twenty-five, who were in turn reduced to

nine, raised to forty-five, diminished to eleven, enlarged to forty-one who at the end of all things elected the Doge.

As employed in Florence, the lot tended still further to democratize the government. Every one of the 136 offices was, after 1323, thrown open to all the qualified citizens named on lists prepared by a quasi-electoral college of the Priori, the Buoni Uomini, the Gonfalonieri, and two representatives of each of the greater Gilds. The names of candidates for office were kept in purses from which the name of the next incumbent was drawn every two months. As no one was reëligible until the end of the list had been reached, a large part of the 150,000 inhabitants of Florence stood an excellent chance of holding some city office. At this point we leave the history of Tuscan elections, since after the destruction of the feudal oligarchies about 1300, its progress is essentially similar to that in the towns of northern Europe—a contest between the wealthy aristocracy of trade and the laboring classes of the craft gilds.

The towns of England, North France, and Germany passed through much the same cycle of government—from episcopal or seignorial despotism to mercantile oligarchy; thence to industrial democracy and finally, after a brief struggle toward real democracy, back to a bourgeois aristocracy of wealth. The cycle was not complicated by the inconvenient mixture of a feudal element, since the nobility remained bitterly hostile and outside of the town's walls. Their hatred was shared by the feudal clergy. "Commune! New, detestable name!" cried Guibert of Nogent. "There are in this world," said Bishop Stephen of Tournai, "three, perhaps four, bawling herds on whom silence is not easily imposed: a commune of workmen who wish to play the lord, women in dispute,

a drove of grunting pigs, and quarreling canons. We make fun of the second, we scorn the third, but the Lord deliver us from the first and the last!" The presence of an external feudal danger emphasized the mercantile or industrial character of the towns of the North, so that while their independence was less complete than in Italy, the type was purer and more uncompromising with the past.

It is true, however, that the characteristic organ of civic independence, the city council, was the descendant of a Carolingian institution, the scabini of Charlemagne, who had long had judicial and administrative powers. After the Communal Revolt their numbers as well as their functions increased. They varied from 12 at Peronne to 100 at Rouen. They controlled the courts, the royalties from forests, bridges, and rivers, the repairing of the wall and levying of troops, as well as the election of the mayor or Bürgermeister, except as their powers were later curtailed by King or Emperor. Like the modern Parliament, the Council, or Rat, carried on its business by plenary sessions together with numerous separate committees of two, four, or six members to supervise special matters—weights and measures, buildings, military levy, the markets, the mint. Its members possessed such special privileges as exemption from the property tax, the fines which came under their jurisdiction, and free entertainment at the feasts of which the medieval calendar was full. The compound, Ratskeller, is the symbol of an inseparable connection. There was eating and drinking at every session, and all official banquets were celebrated in the Rathaus. If no convenient Saint's Day would serve, the feast was held for its own sake, and paid for by the fines collected from councilors for tardiness or absence. A Frankfort menu

of 1498 included beef, chicken, goose, hare, cakes, wine, pastry, and other viands.

That the city council was so long in the possession of a few wealthy merchant families was due chiefly to the manner of its election. Generally the council was filled by co-optation or by lot at the end of its year's term of office, the councillors choosing their successors, if not eligible themselves. Osnabrück employed an elaborate ceremonial of this sort. On the morning of the second of January the gates were closed, and no burgher was allowed to leave the city. A strong guard surrounded the Rathaus. After a strictly secret session, the outgoing council went in solemn procession to church and listened to a sermon, which often excoriated the late administration. The return to the Rathaus was likewise made in state, and there the balloting began. Before the Council, assembled at a huge, round table at the lower end of the hall, the first Bürgermeister cast three dice. The dice then passed from hand to hand, until all had cast. The highest and the lowest throwers chose sixteen burghers. This electoral college convened in the Ratskeller and after much consumption of liquor chose sixteen other burghers as a second college, which was finally to elect the Rat. The ceremony lasted until ten at night, while the electors in the Ratskeller and the populace in the city square gave themselves to unlimited feasting.

Even when elective, the council was rarely democratic. In aristocratic communes the mayor was usually elected by the Council. Direct election by a popular assembly probably did not exist. In various ways the choice of the councilors was kept within a golden circle of great merchant families.

Everywhere the mercantile element, which had first

organized the communal revolt, sought to continue the exclusion of the artisan class, many of whom were descendants of freed serfs. As the old, established families had been land owners within the walls, a landed property qualification was common. In some towns a craftsman had to forego his trade and give up his tools, if he wished to obtain the franchise. The trade gilds sought by special act of the crown to prevent the craft gilds from organizing. The fight of the landless artisans was therefore twofold: first to gain the right to organize at all; and secondarily to achieve political enfranchisement.

The first struggle had been won by the twelfth century, the second was more protracted. In many towns the craft gilds early gained a share in elections, such as they enjoyed in the South. To satisfy the labor movement in 1295, Bern, hitherto a very close aristocracy, added to its government a board of four men from each quarter of the city, who elected a Council of Two Hundred from all classes. Amiens democratized its constitution as early as 1300. The members of the corporations of arts and trades elected their chiefs, who in turn elected half of the magistrates. Often the trade gilds were given representation in the city council, or elected a new council which acted beside the old. Zurich furnishes an example of the farthest reach of the craftsmen toward power, in a government which was based upon the organization of the crafts, and in which every citizen had to be a member of an organized corporation. The smaller Council consisted of thirteen members from the single rich men's gild, and the head of each of the thirteen trade associations. To the larger Council each of the latter associations elected six deputies at Christmastide and in mid-summer, while the wealthy citizens named the other half of the body.

As every craftsman, or even his widow, had a vote, the government of Zurich and the Swiss towns like it was broadly democratic.

But even as the victory of the artisans over the merchant-patricians was culminating, the democratic development of the communes was becoming retrograde. The value of the franchise was impaired by the expense its use entailed. Civic office was unpaid and the display and expenditure it involved was beyond the means of the majority of citizens. The mayoralty was an exception in some French towns. The office was fatiguing, active, and perilous. The mayor was exposed, not only to internal strife, but as the figurehead of the commune, to the wrath of the King. Moreover, when once elected he had, with the councilors, to serve out his term, like members of the Roman curia, on penalty of seeing his house demolished. He incurred large expenses in entertainments, trips to Paris, and military expeditions. In consideration of these outlays he received, unlike medieval magistrates generally, the equivalent of some 20,000 francs annually.

If the average citizen was excluded by his poverty from the city offices, his voice counted for little outside of the elections themselves because of the impotence of the municipal assemblies. Mention of a general assembly of burghers is rare in the records of a medieval town, and it was little more than a formality, when it did occur. There are some exceptions. At Rouen in 1283 such an assembly regulated the financial administration, and in 1321 it apportioned a tax levy. The mayor of St. Jean d'Angeli in 1332 convoked a Parliament to advise on a treaty of alliance and to vote a new tax. Though practically excluded from the magistracy, burghers often served on financial committees which apportioned the taille and

collected large fines or taxes. In an unofficial and irregular way the common citizens were consulted in matters of finance, but otherwise their share in the government was very small.

But the failure of communal democracy was more fundamental than this. In the fifteenth century there was a growing reaction against the artisans' control of the government, and an abandonment of the elective principle. Within the arts and trades themselves, the older and wealthier master-workmen sought to exclude the apprentices and journeymen from the gilds and thus from the franchise. At the same time membership in the gilds became hereditary in the families of the masters, and wealthy outsiders joined as the only avenue to political life. The gilds, once so democratic, became exclusive fraternities, to enter which it was necessary to give lavish dinners and to possess a large independent income, or to be of patrician birth.

Outside the aristocracy of the trade corporations grew up, as we have seen, an artisan class, which eventually wrested from them a share in government. At a later day both these classes were joined by a Fourth Estate of unskilled laborers, which remains wholly disfranchised during medieval history. When this Estate resorted to violence, as in Wat Tyler's Rebellion or the Revolution of the Ciompi in Florence in 1378, it was stifled in blood, never to rise again. For the most part its claims were contemptuously ignored by the prosperous burghers.

The development of the Third Estate, the wealthy burghers of the towns, beside the nobility and the clergy, paved the way for constitutionalism in a national sense. The King found it necessary to curtail the sovereignty of the commune to articulate it with the growth of abso-

lute monarchy. But while he destroyed the free commune, he left intact the Third Estate in which was concentrating the nation's wealth. The prosperity of the towns is the basis of medieval parliamentarism. In the feudal state the King depended for his revenues upon his own estates, plus such feudal dues, services, and aids as he could exact from his vassals—resources rapidly dwindling in comparison to the expense of a mercenary army and a newly centralized state. For the grudging aids and money commutations of the princes, the monarch undertook to substitute a system of taxation unknown in feudal polity. To levy it the more easily he strove to give it the appearance of a free grant by consent of the lords spiritual and temporal; and as the wealth of the burghers bulked almost as large as that of the other two classes together, they were called toward the end of the thirteenth century to sit in the national assembly. The immediate occasion for the origin of medieval parliaments was to ease the task of the King's exchequer.

This is not to say that those bodies lacked a theoretical basis as well. The maxim, *quod omnibus tangit ab omnibus comprobatur,* had never lost validity. In the twelfth and thirteenth centuries the Third Estate had occasionally been represented, but these sporadic cases did not become the rule much before 1300. The Spanish cities were the earliest to gain a place in the national assembly, and for a long time the Cortes was the most powerful of parliamentary bodies. Germany was rich in assemblies, the chief of which were the Imperial Diet and the Diet of the Hansa League. To the latter each trading city in the League was bound to send delegates upon penalty of a heavy fine. The Common Assembly had loose powers of legislation and justice in matters of

joint interest and the enforcement of orders under the League's seal. The Scandinavian parliaments were very democratic, including representatives of the rural districts as well as the towns. In all the assemblies of western Europe the Third Estate was recognized in the fourteenth century as a necessary tertium quid.

The impossibility of a plebiscite for the masses, who could not, like the nobles and clergy, appear in Parliament in person, made a representative system a necessity. Marsiglio of Padua, the dean of medieval political philosophers, was inspired by the early church councils to suggest a great council of all Christendom to end the Great Schism. The more practical Nicholas of Cues elaborated the idea into a system of lay parliamentarism, with an elected Assembly standing for all the people.

The right of such a corporate body to legislate was based, as in the trade corporation, on the election of its members by the active citizens. The two privileged classes were summoned by direct letters of invitation, and might either attend or be represented by proxy. For the Third Estate the electoral machinery was that already in use in the towns. The deputies to the Estates General in France in 1308 were chosen either by universal suffrage or by the electoral colleges which named the magistrates. Towns only partly free elected their delegates by general assembly, usually with the coöperation of the seigneur.

Parliamentary elections lacked the stability of type and the general, fixed rules for the suffrage and eligibility, which we have seen in municipal elections. Each order chose its deputies where it pleased, lawyers and burghers sometimes representing the nobles, and curés the towns. The mandats were exceedingly broad. The deputies were ordinarily unpaid except for the traveling expenses of the

burghers. Consequently, the office was regarded not as a right, but as a burden which was to be evaded if possible.

To the medieval constitutionalist the deputy and the monarch were different in degree rather than in kind. The ruler was to be obeyed, not for his own person, but because of the office he filled. Even in absolutist France or Tudor England the theory survived, like the rudimentary leg bones of the reptile. But while in those countries strong lines of male heirs to the throne made heredity the rule, in Germany the elective idea, which Tacitus observed (*Reges ex nobilitate sumunt*), became predominant, though heredity exerted a *de facto* influence. Both the German tribal feeling and Roman tradition forbade that the Empire become the appanage of a single house. The accessions of Conrad II, Lothair II, Conrad III, and Frederick Barbarossa were all in a measure elective. The old choice by the warriors and the elevation on their shields changed in the Middle Ages to election by a small college, whose power depended on its representation, not only of the people of the Empire but of the whole Christian world.

It was long before the composition of the Imperial Electoral College was stabilized. To elect Lothair II in 1125, ten princes were appointed from the duchies, from whose three nominees Lothair was apparently chosen by an assembly of all the princes. But by the end of the thirteenth century the election was exclusively performed by the three Rhenish archbishops of Mainz, Köln, and Trier, and the great dukes who officiated at the coronation and in the Emperor's household. The archbishops were the archchancellors. Of the nobles, the Count Palatine of the Rhine was the imperial steward; the Duke of

Saxony, the marshal; and the Margrave of Brandenburg the Emperor's chamberlain. This plan, popular because it agreed with custom, and because its symmetry suggested a divine origin, was the literary fancy of von Repgow, an obscure Saxon lawyer, author of the *Sachsenspiegel.* A jealous southern poet thereupon protested against von Repgow's exclusion of Bohemia and at the contested election of 1257 between the Earl of Cornwall and the King of Castile, the King of Bohemia voted as a seventh elector. This innovation was soon made a precedent by the erection of seven statues of the electors at Aix-la-Chapelle. The contest between Bohemia and Bavaria for the South German vote was decided in favor of the latter by the Golden Bull of Charles IV in 1356. Charles was himself the King of Bohemia. Henceforth the electorship was definitely attached to a piece of land, and descended by primogeniture. Later changes only enlarged the College without impugning this principle. The Treaty of Westphalia gave the vote of the conquered Palatinate to Bavaria with the office of Imperial Butler, and created an eighth vote for the Count Palatine as Treasurer. In 1708 Hanover acquired a vote with the post of Imperial Standard Bearer.

The procedure of the Electoral College was as late in definition as was its membership. Down to the middle of the thirteenth century the method of electing the Emperor was variable. Aix-la-Chapelle, Mainz, and other cities entertained the itinerant College, until after 1257 it settled down at Frankfort. There was no rule that a German must be chosen. The candidates at the famous election of 1519 were the Kings of Spain, France, and England. We have seen that the earlier meetings were large, heterogeneous assemblies, whose suffrages were cast

according to no fixed rule. The votes were weighed, not counted, and the great princes so controlled the elections, that the nobles ceased to attend. There were three stages in the ceremony, the deliberation among the princes, the declaration of the choice, and the laudation. The last step, the acclamation by the people, changed after the twelfth century to the personal homage of the princes.

When the size of the College had been limited, a more rigid set of rules was possible for a definite, corporate body. The special privileges of such a high function were recognized. The territories of an elector were indivisible, descending to his eldest son, and his person was protected like the Emperor's. He was almost an independent ruler with entire jurisdiction in the courts of his possessions. There were gradations within the College. The traditional announcer of the result was the Archbishop of Mainz. The Count Palatine, of old the Imperial Vicar, was the senior lay elector, and the arbiter in disputed elections. The medieval odor of sanctity, of venerability, clung to the Electors long after the Empire had ceased, in the *mot* of Voltaire, to be either Holy, or Roman, or an Empire.

Most interesting of all is the application of medieval constitutionalism to the Church, not only because the theory was here developed in its purest form, but because its failure entailed the defeat of parliamentarism in the state. The custom of popular election to church offices was very ancient. The Bishop of Rome was early chosen by the Roman clergy, whose nomination was referred to the consent of the citizens, usually tumultuously expressed. Bloodshed and schisms lead to an appeal to the Emperors, who in the eleventh and twelfth centuries became pope-makers to the utter disgrace of the papacy.

Leo IX was the first pope to deny that the Emperor's choice was binding and to have himself elected anew by the clergy of Rome. The youth of Henry IV gave an opportunity in 1059 for wresting the control of the papal office from his hands by the decree of Nicholas II.

The election of the pope was given to a college of cardinals, comprising seven neighboring bishops, seven presbyters of the churches of Rome, two abbots, and eighteen deacons. The later membership varied between twenty and seventy-five, until in 1586 it was fixed at seventy. The cardinals owed their appointment to the pontiff alone. It was early customary to summon bishops from other nations to the College with titular functions in the Roman clergy. During the Babylonian captivity a majority were French, but the Council of Constance forbade that more than a third should be taken from any one country. This ruling gave the College its thoroughly international character. Theoretically every Christian believer had an indirect share in the papal election, since he was supposed to aid in the choice of the bishops and archbishops upon whom was bestowed the cardinal's hat.

The election proceedings were minutely regulated. To avoid pressure from the populace the cardinals were allowed to meet outside Rome, although they exercised that privilege but once. Undue delays in action led to the forced seclusion of the cardinals during the voting, usually in the Vatican. Their ecclesiastical revenues were cut off during the conclave, they were allowed but one servant apiece, and they lived a common life without separate cells. Excommunication was visited upon any one who dared to send messages to them. Their food was passed through a guarded window, a diet of one dish after the first three days, and of only bread and water after the

first five. When these measures brought no result in 1268, the roof of the episcopal palace was taken off; but the cardinals seem to have camped under the open sky for nearly three years before they would choose a pontiff. A papal bull of 1562 fixed the ceremonial of voting, which with slight alteration still endures. There was a daily, secret ballot, followed by the *Accessit,* or second ballot, on which the cardinals might switch their votes to the leading candidates. Though the choice was originally referred to the people, their share was soon restricted to watching on the square before the Vatican for the wisp of smoke from the burning ballots, which told how the vote was progressing.

Beneath this aristocratic institution the theorists of the Conciliar Movement elaborated a parliamentary papacy based on the sovereignty of the people, which was conceived half a millennium before its time. They believed that the cardinals chose a pope simply as representatives of the universitas (corporation) of all Christian folk, which had delegated to them its power. Some urged that the cardinals constituted an elective upper house of the papal government. For the lower chamber Marsiglio of Padua proposed exactly what medieval constitutionalism had constructed in the state—a council representative in number and quality of every community in the Church, the ultimate basis of authority. The idea of a council was almost as old as Christianity; Marsiglio was revolutionary in suggesting representation in it according to population, a refinement on the municipal and national assemblies. With his orderly mind William of Ockham imagined a system of primary assemblies in each parish and electoral assemblies in each diocese, sending delegates to an ecclesiastical council whose responsible pre-

siding officer was the Pope. In this ideal church-state the Pope and his council were indirectly elected by the Christian people, and exercised their powers only in harmony with an elective assembly, which could rectify the Pope's errors, depose him, and even subject him to corporal punishment. The ignoble demise of the Conciliar Movement blighted the dreams of the church parliamentarians, whose plans, if consummated, might have changed the political history of the world.

For the Conciliar Movement was the flower of medieval constitutionalism. Gild democracy in the towns had its flow, beginning with the Communal Revolt, but it was followed by a stronger ebb. It is a mistake to idealize the communal government as democratic in any except a loose sense, for it included in its most liberal form only the members of gilds, the bourgeoisie. Nor were government or elections of any great concern to those who enjoyed the franchise. They evaded when possible the responsibility of citizenship, unless it served an economic interest. Whatever popular sovereignty may have existed in the towns at their height disappeared as the gilds became close corporations, from which even the poorer craftsmen and merchants were debarred. Only in the church did the idea of popular sovereignty still inspire men to build a government which might save the papacy from decay. As the church councils succumbed to a renovated papacy, so the parliamentarism of commune and state gave way before the advent of absolute monarchy.

CHAPTER III

THE BRITISH HOUSE OF COMMONS

During the period in which elections in France and Germany ceased to be anything but a form, across the Channel, in England, real representative bodies were developing, and with their growth came the creation of an electoral system. Its importance in the history of elections and the evolution of popular institutions can hardly be over-estimated. On the Continent the old German idea of elective assemblies was almost entirely lost and might never have been reborn, had it not been for the fact that in England it was revived and perpetuated. In the end English representative institutions came to be copied in nearly every civilized country. With justice is the phrase "mother of Parliaments" applied to the British Parliament at Westminster. "It is a fact that the constitution and procedure of the legislature in every other country, with the possible exception of Hungary, are copied directly or indirectly from, or, at least, based on ideas suggested by the English model."

The British House of Commons, its origin and development, and the system according to which the representatives sitting in the Commons were elected, deserve, perhaps, more detailed discussion than that devoted to the medieval electoral systems of the other countries on the Continent of Europe. Not only on the Continent in the nineteenth century, but in America, Australia, South

Africa, and the Far East, elective institutions of modern times owe their character in large measure to their British prototypes.

The origins of the British Parliament are naturally to be sought in the ancient German assemblies, our knowledge of which depends chiefly upon the description of Tacitus. To England were transferred the Teutonic ideas of popular government. With the Saxon invasions and the establishment of the Anglo-Saxon kingdoms on English soil, came also the idea that in matters of importance and gravity, and especially in the making of the laws, the king should not act without the consent or at least the counsel of the people. While the tribal groups were still small, doubtless all the freemen attended the general council or "folkmote." It was a primary assembly of all the warriors. Resolutions were offered by the king to the freemen, who voted simply "yea" or "nay," or more informally merely clashed their spears against their shields in token of approval, or kept silent as indication of dissent.

But as the small tribal groups and communities became fused in the larger states, and finally when a national Anglo-Saxon state arose, the general assemblies of the people became impracticable. Geographical considerations alone would have prevented attendance on the part of all the freemen at the general primary assembly, and the latter became restricted to a narrower circle, which was composed of the most distinguished of the nobility—landowners and warriors. It was an assembly of the great folk, of the wise men (Witan), and accordingly was known under the Anglo-Saxon kings as the Witanagemot. This assembly deliberated upon legal, political, and ecclesiastical affairs. It retained, at least in form, the right of

electing the king, as in the case of the Dane, Canute. It considered changes necessitated in the traditional common law, discussed ordinances bearing upon military affairs, deliberated upon the declaration of war or the maintenance of the peace, upon divisions of the land, upon matters of Church organization and revenue, and the observance of religious feasts and fasts.

The power and constitution of the Witanagemot depended largely upon the character of the king. Under a strong monarch it lay in the royal power to direct the outcome of deliberations as well as to say who should be called to compose the assembly. For the most part, in Saxon times, the Witanagemot was a small body. Attendance was difficult if not impossible for the less important thanes and notables, on account of the hardships of travel; the land was covered with forests, bridges over the rivers were few, and means of communication through the fenny marshes primitive. Hence the summons to a national council was not received with pleasure by an Anglo-Saxon noble and attendance was looked upon as an irksome duty, and often even the more important nobles refused to come. We read that in a full national assembly held at Winchester in the year 934, there were present only ninety-two persons; the king himself, four chiefs from Wales, two archbishops, seventeen bishops, four abbots, twelve ealdermen, and fifty-two thanes.

The assembly was thus not a very strong safeguard against the tyranny of a forceful king nor was it really representative in character. There was no clearly-defined representation of a class of great landowners and no indication can be found of any election of representatives by the less important landowners. Certainly there was nothing like a representation of the town merchants and

artisans. Lesser knights and freemen doubtless were present at meetings of the Witanagemot, but they were simply "bystanders" and their presence depended upon the fact that the council happened to be held in the locality where they resided.

But if the Witanagemot was in truth a king's council rather than an assembly representative of, or elected by the whole people, it is an important fact that no English king dared to legislate without the counsel and assent of this assembly of the wise men. Furthermore, it seems probable from the character and style of the records that whatever its form, the Witan was looked upon as a sort of representation of the entire nation. No law had ever deprived the freemen of the right to attend its sessions, and the large crowds of bystanders that gathered at times doubtless encouraged the tradition. The historians sometimes speak of the meetings of the Witan as "assemblies of the whole people," and the approval or disapproval of the bystanders may have been sometimes evinced. At the accession of Canute the acclamation of the King's "election" by the crowd was spoken of as being of great significance.

With the Norman Conquest came a break in English political institutions, although it was, in all probability, not so great a one as used formerly to be supposed. Already, under Edward the Confessor, these institutions had been approximating to the continental type, which was essentially feudal in character; the changes introduced by William the Conqueror merely emphasized certain aspects of the feudal system which had been in existence in England before his time. English political institutions still persisted, although their form and character was modified according to the feudal régime. Thus the assemblies

which William and his successors held, while they were feudal courts, councils of the tenants of the king, represented in the minds of the people the continuation and tradition of the old Witanagemot. The Saxon Chronicle says: "Thrice a year King William wore his crown every year he was in England: at Easter he wore it at Winchester, at Pentecost at Westminster, and at Christmas at Gloucester; and at these times all the men of England were with him—archbishops and abbots, earls, thegns, and knights." What was in reality a feudal body was thus regarded by the chronicler as something akin to an assembly representative of the nation.

The transformation of the King's Council, the *Curia Regis,* from a feudal administrative body and judicial court into a popular representative assembly was vitally affected by two factors. In the first place should be remembered the growing need for money on the part of the king, a need which could only partially be met by feudal contributions. The royal estates had to a large extent been divided amongst the tenants of the king, and the sovereign was forced to look elsewhere for funds. In the second place, and at the time when the royal financial necessities were becoming acute, the small landholders, the farmers, and the merchants in towns were gradually acquiring wealth. To them, as was natural, the king turned for contributions and subsidies. It was, however, proved by experience that such contributions could not be extorted by compulsion; they could be obtained successfully only with the hearty consent and coöperation of the king's subjects, and generally in return for some favor, or redress of some grievance granted to them by the monarch.

In this way the ideas of taxation and representation

were brought into connection. The process was slow and the principle that taxes could be imposed only with the consent of the taxpayers or their representatives, was evolved only gradually. In 1188, Henry II imposed a tax on movables known as the Saladin Tithe. The tax was assessed by a jury of neighbors, who were to a certain extent representative of the persons who paid the tax and of the parish in which they lived.

Twenty-seven years later the barons extorted from King John the Magna Charta, which declared that exceptional feudal aids were not to be levied without the common counsel of the realm. This counsel, however, was to be given by an assembly consisting of great lords, ecclesiastical prelates, and tenants-in-chief. It was therefore a feudal body merely, and in no way an elected representative assembly.

There was, indeed, in the early thirteenth century, no general national body in existence, really representative of the people, before which the king could lay the conditions which necessitated the raising of money and from which he could ask the assistance of the people collectively; for the old national assembly had lapsed. As it happened, however, there were still in existence the local assemblies, descended directly from the small assemblies described by Tacitus, and which could be utilized for the purposes of representation.

Far back in Anglo-Saxon times we find record of these local assemblies or courts: the town meetings, the hundred courts, and the shire courts. The latter were used to meet twice a year to settle disputes amongst the inhabitants of the various hundreds, to determine questions of law, to inflict criminal punishments, and to despatch various other kinds of business. In them can be traced

the skeleton of a true representative system, for at the shire courts it was the custom to elect juries, which were to present to the royal judges the criminal matters of the shire, and especially to choose assessors who should levy the taxes upon the county. Equally significant was the practice common amongst the boroughs and rural towns of electing delegates to represent their interests in the County Courts.

In this system of local representation is to be found the germ of the later national electoral system. What more natural, when the king desired financial assistance, than that he should appeal to the County Court as the representative of the interests and opinions of all the freemen of the shire? Hence in 1254, when Henry III desired a special contribution because of a military campaign in Germany, he required each sheriff to see that four knights, "good and discreet men," should be sent from the county to consider what aid they would give the king in his necessity.

Eleven years later, in the stress of the conflict between the barons and the king, the leader of the former, Simon de Montfort, summoned a Parliament, as the assembly began to be called, and extended the principle of representation by calling not merely the representatives of the shires, but also those of certain cities and boroughs. In the writs issued for the calling of the Parliament it is expressed for the first time "that the Sheriffs have to return to this assembly two Knights out of each Shire, from a number of towns each, two burgesses; and from the five seaports each, four men." The craft and merchant gilds had grown up controlling the commerce and wealth of the towns, and it was a natural step to ask them to send accredited delegates. The defeat of the barons and the

death of Simon de Montfort at the battle of Evesham discredited this Parliament of 1265, but it was destined to lead to further developments.

For the conqueror of the barons, who became King Edward I in 1272, did not disdain to imitate the policy of his defeated opponent. Without formally binding himself to the irregular proceedings of 1265, the king repeatedly summoned deputations from the commons to Parliament, appearing to them "to bear common dangers with common exertions," and to take counsel with the King for the extraordinary contributions to be levied. In 1282, four knights out of each shire and two burgesses from various towns were summoned with the injunction "to hear and to do such things as are to be placed before them on the part of the King." In the following year there were summoned to the Parliament at Shrewsbury, one hundred and ten earls and barons, two knights from each county, and two burgesses from each of twenty-two towns, to advise about the conquered territory of Wales.

Finally, in 1295, was summoned what was to be known as the Model Parliament, for it settled the general type for the future legislature. To this Parliament King Edward called the two archbishops, all the bishops, the more important abbots, seven earls and forty-one barons; he further directed that each sheriff should cause to be elected two knights from each shire, and two burgesses each from one hundred and fifteen cities and boroughs.

Thus there was added to the council of the king, unrepresentative of the nation and simply a feudal assembly, the elected representatives of the people, and the share of the commons in what, after the thirteenth century, was called Parliament, became recognized. It was

King Edward I

not a feudal court, not a meeting of the king's tenants, but a national assembly.

As actually resulted in the French Estates-General, the first English Parliaments were intended to represent the three estates of the realm, the clergy, the barons, and the commons. For a time they met separately, each class negotiating with the king in its own convention, and touching only on the matters which specially concerned its own interests. Thus in the thirteenth century the barons and the county representatives enacted statutes regulating the holding of real property, without consulting the clergy or burgesses. Later, it seemed as though the burgesses might form a separate fourth house: in 1336 a council of merchants representing twenty-one towns agreed with the king "to increase customs on wool, to extend monopolies, and enlarge the privileges of trade."

But the idea of the three estates was never fully realized in England, for as matters turned out neither the clergy nor the towns continued to form definite representative houses. The lower clergy were ignored or abstained from attendance, while the higher clergy, the archbishops, bishops, and greater abbots attended the King's Council not as ecclesiastical prelates but as feudal lords and owners of great estates. Hence they sat together with the temporal lords. On the other hand, the representatives of the smaller nobility and landowners, the knights of the shire, and the representatives from the towns, the burgesses, who were drawn together by common interests against the king and great nobles, formed a single house, and sat together.

Naturally, at first, the commoners had been attached to the Great Council in a rather modest capacity, and at the beginning of business the Lords would withdraw, leaving

the Commons to themselves and their own special business. The knights, deserted by the greater barons, may not have been greatly pleased, but it was not long before they definitely threw in their lot with the burgesses. In 1835 we read that the knights and the *gentz de la commune* deliberated together and gave answer in common. In 1352 mention is made of the Commons' meeting by themselves in Westminster Chapter-house, a meeting which undoubtedly included both knights and burgesses. In 1378 the Speaker of the House of Commons is first referred to, and after that the position of the Commons as a separate House, representing all the classes not included in the clergy or nobility, is recognized.

Thus by the end of the fourteenth century Parliament was established in the form which it still holds, not in three estates as in France, nor in four, as in Sweden, but in two houses, the one consisting of lords spiritual and temporal, the other consisting of representatives of the commonalty: The House of Lords and the House of Commons.

Of the constitution of the elected chamber, the House of Commons, and the qualifications which conferred the right of election, more will be said in detail in the ensuing chapters. It suffices for the present to say that there were in the House of Commons of the Model Parliament, knights of the shire from thirty-seven counties, and burgesses from one hundred and fifteen cities and towns. With the added representation of the counties palatine of Durham and Chester, which came later, the number of represented counties in England was fixed at thirty-nine. The union with Wales added twelve more represented counties.

The number of boroughs was not fixed in the early days

of Parliament and underwent various alterations until the days of Charles II. The selection of a borough for representation in Parliament depended upon the will of the king, and often upon the decisions of the sheriffs, to whom were sent the writs ordering the election of burgesses. Under the Tudors the number of borough seats was rapidly increased, generally for the purposes of electoral manipulation. Thus Henry VIII created thirty-eight new borough seats, including the Welsh constituencies, and Elizabeth added sixty-two more.

The size of the House of Commons was increased in 1707 by the union with Scotland and in 1800 by the union with Ireland. In the former year forty-four more members were added and in the latter, one hundred. The total number of seats in the lower House, before the Reform of 1832, was six hundred and fifty-eight. Five of the English boroughs elected but one member each, and the same was true of the twelve counties and twelve boroughs in Wales. The City of London and Yorkshire, the largest county, elected four members each. With these exceptions each constituency returned two representatives, the number fixed for the earliest English Parliaments.

At first, naturally enough, the real power of Parliament, and particularly of the House of Commons, in the government was slight. The sittings of Parliament were of brief duration, so that the representatives were present at the seat of government for only a small part of the year. "Traveling was difficult, dangerous, and costly; members could not afford to stay long away from their homes. The main object of the meeting was usually to strike a bargain between the king and his subjects. The king wanted a grant of money, and it was made a condition of the grant that certain grievances, about which

petitions had been presented, should be redressed. When an agreement had been arrived at as to how much money should be granted and on what terms, the commoners and most of the lords went their ways, leaving the king's advisers, the members of his council, to devise and work out, by means of legislation or otherwise, such remedies as might be considered appropriate and advisable." Sir Courtney Ilbert tells us that we ought to think of the Plantagenet Parliaments as something akin in nature to the oriental durbars, like those of the Amir of Afghanistan, with the king sitting on his throne, attended by his courtiers and great chiefs, hearing the complaints of his subjects and determining whether and how they should be met.

Gradually the House of Commons began to assume more real power, first in the department of public taxation, then in the internal administration, and finally in the legislative department.

The assent to taxes on the part of the county and borough representatives was, in the early period, the chief purpose for which the Commons were summoned. But although the king asked for the advice of the popular representatives and was, in the matter of many impositions, anxious to have their consent, the principle that the Commons must consent to a tax before it was imposed, was not invariably recognized in the early days of Parliament. During the reign of Edward I the king was in constant and pressing financial difficulties, resulting in part from the anarchical administration of his father, the weak Henry III, and partly from his own frequent wars. He had recourse at times to arbitrary measure, on one occasion seizing the possessions of the clergy and

the wool belonging to the merchants, without the assent of their representatives.

A crisis resulted which was to end by clarifying the taxing powers of the Commons. The malcontents, taking advantage of Edward's absence with his army on the Continent, demanded the recognition of a general right of concurrence on the part of the "Estates" to assent as regards taxes. The regent of the kingdom, in the absence of the sovereign, agreed to the demand, and Edward himself, pressed by difficulties at home and perils abroad, ratified the proceedings in a charter known as *Confirmatio Cartarum*. This charter, comparable in importance to Magna Charta itself, expressly and finally consecrated the right of the "Estates" to consent to the taxes imposed.

During the next three generations and before the end of the fourteenth century, by established usage, Parliament had definitely taken from the king all power to impose direct taxes without the consent of the taxpayers through their representatives; and furthermore had restricted the royal power to impose indirect taxes to those taxes which were justified by the Magna Charta. Equally or more important, Parliament had by 1400 acquired itself the right to impose taxes of all kinds.

During the same period the Commons were winning the special position which they have since held in the passing of all kinds of financial legislation. According to the theory of the three Estates, Clergy, Nobles and Commons, each estate had the right to tax itself, and for a time each continued to signify its assent separately from the others. But from the time of Edward II, as the imposts were "for the common profit of the realm," counsel began to be taken in common. All the estates were brought by degrees together: first knights and burgesses,

then Commons and Lords, so that the process of granting supplies began to assume a form similar to that of the legislative function. The last instance of separate assent to taxes is in the reign of Edward III, in 1345. And in 1378 a great council of temporal and spiritual lords pronounced itself absolutely incompetent to give any assent to taxes without the representatives of the commons.

At the same time it became recognized that, since the heavier portion of the burden fell upon the commons, the lower house should be placed in the foreground in financial matters. According to the formula which appeared in 1395 and thereafter became the rule, the grant of taxes was made by the House of Commons with the assent of the Lords temporal and spiritual. Twelve years later, the first Lancastrian king, Henry IV, agreed to the principle that money grants were to be initiated by the House of Commons and should not be reported to the king until both Houses were in accordance, and that then these money grants should be reported by the Speaker of the House of Commons.

This rule is still in force. At the present time when a money bill is passed by the Commons and agreed to by the Lords, unlike other bills, it is returned to the House of Commons by the Lords; when the royal assent is to be given, the Clerk of the Commons takes it up to the House of Lords, and hands it over to the Speaker of the House of Commons who with his own hand gives it to the officer authorized to signify the royal assent.

Besides acquiring the predominant part in the granting of taxes, the House of Commons also began to assume a share in the administration of the state. This was developed gradually under the guise of petitions; for it was an important privilege of the town and shire com-

munities to bring their grievances before the officers of the king and the monarch himself, and pray for redress. At first their attitude in petitioning was humble enough, as is shown by the style of the formula introductory to the petition: "Vos humbles, pauvres communes prient et supplient pour Dieu et en œuvre de charité." But with the growing importance of the Commons in wealth and their increased power in the imposition of taxes, their petitions could not fail to assume much weight. De Lolme points out that the assent to taxes, always in connection with the presentation of grievances, was so effective that "proposals made in such opportune company, seldom failed to find ready acceptance."

Thus, as the royal need for financial assistance became more stringent and the Commons' hold on the purse strings of the nation tightened, they cease to be the "humble, poor Commons" and are styled at the end of the fourteenth century, the "right wise, right honourable, and discreet Commons." Frequently, in the fifteenth century, petitioners bring their grievances not before the king but to the notice of the Commons first, thus indicating the growing power of the latter body. The Crown itself so far recognized the importance of the lower House as to ask its advice on general matters of state. At times, and especially under such weak and incapable kings as Edward II and Richard II, the House of Commons presented demands that might be called exorbitant; and they did not hesitate to use their right of petition as a means for removing obnoxious officials.

But the real importance of the Commons' right of petitioning and their ability frequently to give effect to their demands, lay in the development from it of their share in legislation. At the beginning of the parliamen-

tary period, when a king redressed a grievance set before him in a petition, he issued an ordinance in his council. There was at first no question of the concurrence or assent of the Commons. It is true that at least once under Edward I and several times under Edward II we find formal mention of the "consent" of the Commons; but throughout the fourteenth century the knights of the shires and the burgesses appear as petitioners for laws rather than as legislators. It was for the king and his counselors to decide whether the law was required, and what form it should take if they determined to enact it.

Frequently the law, when made, would not correspond to the petitioners' request, and the variance between statutes and petitions evoked no little complaint. The statute was not drawn up until after the Parliament was dissolved and its form was settled by the royal council. The formula in general use indicates the ancient position of the Commons in the making of the laws: the statute is made with the assent of the earls, prelates, and barons, and at the request of the knights of the shire and commons in Parliament assembled.

But at the beginning of the reign of Henry V, just before the campaign which resulted in the great battle of Agincourt and ultimately the conquest of France, the House of Commons won a constitutional victory which had far reaching effects. They prayed the young king that the laws should not be made except in accordance with the intent of the petitions presented. To this King Henry agreed, promising that henceforth "nothing shall be enacted to the petitions of the Commons contrary to their asking, whereby they should be bound without their assent."

As a result of this concession it became the custom no

longer to introduce the legal proposal in the form of a petition, but to draw up a bill in the statute form, so that the king could not amend or change, but must either agree or disagree with the suggestion of the Commons. "Legislation by bill took the place of legislation by petition."

At the same time the changes in the preamble to each statute indicated the nascent legislative power of the House of Commons. Statutes were expressed to be made not merely by the advice and assent of the Lords, but also of the Commons. The formula was changed during the course of the fifteenth century, in a sense indicative of the growing influence of the lower House, and from the time of the first Tudor king, Henry VII, at the end of the century the formula still in use was definitely established, the enacting formula which explicitly declares that the statute derives its authority from Parliament and that the House of Commons is upon a legislative parity with the House of Lords. "Be it enacted," the formula runs, "by the King's most excellent majesty, by and with the advice and assent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows . . ." Parliament thus had become "not merely an advising, consenting, or petitioning body, but a legislative authority."

The monarch naturally still retained the power of refusing his consent to the legislation proposed by Parliament and the royal veto was exercised not infrequently until the eighteenth century. The refusal of the king was couched in courteous form, although the intent was unmistakable: "The King will consider." Since the time of Queen Anne no monarch in Great Britain has refused

his consent to a bill passed by Commons and Lords. Under the constitution which became established in fact during the early years of the eighteenth century, the king must act in accordance with the advice of his ministers; his ministers, in practice, will naturally prevent any bill which ought not to pass, from reaching the stage at which the royal assent would be required. Hence for the past two hundred years, ever since 1707, that assent, now given by a commission in the form, "le roy le veult," has invariably been granted when a bill has passed both Houses.

With the acquisition of the Commons of these powers in the granting of taxes, of administration, and especially of legislation, their general political influence naturally developed rapidly. The fourteenth and fifteenth centuries witnessed a steady growth in the broad governing authority of Parliament. This authority was naturally enhanced particularly during the reigns of the weaker kings. In 1327, only a generation after the calling of the Model Parliament, the king, Edward II, was deposed in summary fashion by a Parliament summoned in his name. At the end of the century, another king, Richard II, was called before a Parliament which forced him to abdicate, and which then proceeded to elect his successor, the Lancastrian Henry IV, who was not in the direct line of succession. Such a body, which could make and unmake kings at will, was a formidable political power.

It is true that these depositions and elections must be regarded as the work of the great barons and earls, and that there is in them much that smacks of political intrigue rather than the desire to give effect to the will of the people. But had conditions been slightly more favorable the next century might have witnessed the

winning of supreme authority by the Commons. Henry IV was chosen by Parliament, as we have seen, and accepted the principle that he should rule through Parliament alone. And the lower House was rapidly making its power in Parliament something like equal to that of the Lords.

But the opportunity of the Commons was spoiled by the unruly and turbulent nobles, who, intent on their selfish purposes or simply filled with the enjoyment of a return to a state of feudal anarchy, threw England into the bitterest of civil wars. Checked by Henry V, a brilliant warrior and a capable ruler, under his son, Henry VI, the nobles controlled whatever government might be said to exist. During the minority of this king, who came to the throne as an infant, the intrigues of his uncles and the opposing nobility prepared the way for anarchy; when he came of age he was ruled by his ill-tempered queen and her favorites. Henry's mind, never strong, gave way completely, and there succeeded the bloody internecine strife of the nobles known as the Wars of the Roses. The Commons, helpless and disgusted, longed for the return of a strong king; the nobles, exhausted by their fruitless battles, were committing political suicide. The way was clear for a renaissance of monarchical power.

The dynasty of the Tudors recognized the possibilities of the situation. Both Henry VII and his son, Henry VIII, "Bluff King Hal," were willing to exalt the position of the popular chamber at the expense of the aristocracy; they realized the necessity of curbing the power of the great lords and the value of winning popular appreciation and support. Whatever the moral character of Henry VIII, he was a wise monarch in recognizing

the need of promoting industry, education, and the care of the poor, and in respecting legal institutions.

Like Henry IV, he accepted the principle that the king should rule through Parliament. But at the same time he was able to practice that principle in such a way as to make himself practically an absolute monarch. The position of Parliament was theoretically exalted, but it was controlled by the sovereign through persuasion or terror. Henry was the first to perceive the possibilities of controlling Parliament through electoral manipulation; he revived old boroughs and summoned burgesses from towns hitherto unrepresented, always taking care that the persons elected for them should be faithful to his own interests.

Thus controlled and acting as the engine of the royal will, Parliament was, broadly speaking, merely an instrument in the king's benevolent despotism.

The same policy, after the confusion created in domestic affairs by the reign of the Roman Catholic, Queen Mary, was followed by Henry's shrewd daughter, Elizabeth. Like her father, she increased the number of boroughs subservient to her purposes and control, and took care that court officials and members of her household should be elected to the Commons. Notwithstanding numerous quarrels between the Queen and Parliament, in which the lower House attempted and sometimes succeeded in maintaining its claims, Queen Elizabeth knew how to end such quarrels by tactful compromises in which the actual superiority of the monarch was generally maintained.

One important result of the control of Parliament in practice by the Tudors, was that its position in the State as a permanent political power came to be fully recog-

nized in theory. Both Henry and Elizabeth, as we have seen, exalted the powers of the Commons. "A monarch that swayed and did not fear Parliament could afford to recognize its sovereignty, for it was his own." Hence in Tudor times the authority of Parliament was asserted with emphasis. In a book on the *Commonwealth of England and the manner of government thereof,* the author, himself secretary to Queen Elizabeth, declares that the "most high and absolute power of the realm of England consisteth in the Parliament."

Such doctrines were not dangerous to the power of the monarch so long as the popular and tactful Elizabeth remained upon the throne. But with the advent of the Stuarts there was destined to result a constitutional quarrel which ended by destroying the actuality of kingly power and in transforming the principle of Parliamentary sovereignty from a mere academic formula into a political fact.

The Stuarts lacked both the tact and the capacity of the Tudors. James I, known as the "wisest fool in Christendom," inheriting the throne, insisted on preaching emphatically the Divine Right of Kings, and inevitably came into collision with his Parliaments. The latter, jealous and suspicious, resolved to prevent royal interference with their proceedings. An economic crisis hastened the inevitable struggle. The fall in the purchasing power of gold, partly resultant upon the discoveries and new commercial activity of the sixteenth century, rendered the royal income insufficient for purposes of administration; the financial necessities of the monarch were increased by the lavish extravagance of court favorites, of whom Charles Villiers, Duke of Buckingham, stands as the prototype. To ask Parliament for further grants

was distasteful to the King, both in theory and in practice. He regarded himself as supreme, and he was unwilling to allow Parliament to impose conditions when they made their grants—conditions which would certainly exalt the power of the Commons at the expense of the sovereign. Hence both James and his son Charles claimed the right to levy certain taxes on their own authority, a claim which the Commons were certain to resist.

The struggle broke forth in the reign of the ill-starred Charles I. Beginning as a financial quarrel, it rapidly developed into a constitutional conflict upon the issue of which depended the answer to the question as to which should rule the realm—the King, or the King in Parliament. When no compromise could be secured, the great Civil War followed: on the side of the King were the larger part of the nobility and the old gentry; on the side of the Parliament, the towns and yeomanry, led by a few lords and members of old respectable families; the Cavaliers and the Roundheads, respectively. For a time, the former seemed to be favored by fortune and the fighting abilities of their class; gradually the latter increased in power, supported by the enthusiastic demand for religious freedom and organized by Oliver Cromwell into a regularly paid, efficient, standing army; ultimately the victory was theirs. Not merely the King's party, but the Commons itself was overthrown by the army and Charles was sent to the scaffold.

But the new kingless State, the Commonwealth, was destined to failure. Cromwell himself, notwithstanding his political capacity and his brilliant success in foreign affairs, was unable to establish a permanent régime. The propertied classes, the mass of the intelligence of the nation, underwent an inevitable reaction against the rule

of the army and the puritanical minority. With the death of the Protector, his system broke down and two years later, in 1660, Charles II, son of the executed king, was restored to the throne.

Charles II, called back by Parliament, was forced to rule through Parliament, at least in theory. Hence in its outward form his reign was for the most part parliamentary in character. The Commons' right of taxation was not contested and the influence of the Lower House in financial affairs was materially increased. The restoration of the monarchy was universally understood to mean its restoration to the position it had held previous to the attempted encroachments of the first Stuarts. Nevertheless, as in Tudor days, the king retained far-reaching power, and it was to depend upon the character of the individual monarch and the use he made of his position, as to whether king or Parliament should be supreme in the State.

Once more the temperament of the Stuarts proved fatal to their own interests and to the political power of the Crown. Charles II, although like the Tudors he attempted to control his Parliaments indirectly and to a large extent succeeded, failed to win the popularity with the influential middle class which had formed most of the strength of Henry VIII and Elizabeth. He displayed a reckless frivolity in the exercise of his office which did much to discredit the monarchy at the moment when he might have profited by a popular reaction in its favor. To escape the influence of his Parliaments he did not hesitate to sell himself and the interests of the nation to the king of France, Louis XIV, who kept Charles as his pensioner. The country was disgusted with the malpractices of his administration and the corruption of his

court. The opposition in the Commons could be met by electoral tricks and sometimes silenced by bribery, but the national opposition grew steadily stronger. There was in Charles, however, sufficient tact to enable him to preserve some of his earlier popularity combined with the will to avoid exile; he was determined not to recommence his travels, and he died upon the throne.

His brother, James II, was wholly lacking in political skill and moderation. He seems to have been driven mad by the gods that he might encompass his own destruction. He ascended the throne on a favorable current, sufficient to annihilate the insurrection led by his illegitimate nephew, the Duke of Monmouth. But the triumph he thus gained only hastened his rash plans for the reëstablishment of the complete supremacy of the Crown. His reckless exercise of the royal prerogative, his attack upon the courts, above all his design for the reëstablishment of the Roman Catholic Church, led to a union of all friends of liberty. Deserted by his followers, he could not resist a revolution engineered by the great Whig peers and was forced to flee the kingdom. A "Convention Parliament" was summoned, which called to the "vacant" throne James' daughter, Mary, and her husband, William, Prince of Orange.

This "Glorious Revolution" of 1688 definitely determined the supremacy of Parliament in government. It had in reality deposed James and elected two persons, William and Mary, whose right to the throne rested not upon inherited or divine right, but upon the fiat of the representatives of the people. The supremacy of Parliament was once again affirmed by the election of George of Hanover, in 1714, upon the death of Queen Anne, despite the fact that he was not in the direct line of

succession. At the same time began to be recognized the theory that the monarch must act through his ministers, and that those ministers are responsible to the House of Commons.

The preponderance of the Commons thus seemed to be established. For another century and more, however, the real power in government did not belong to the lower House. During the earlier part of the eighteenth century actual control rested with the heads of the great Whig families who were responsible for the Revolution of 1688. Under George III practical control rested for a time with the king and his "friends"; and then for twenty years with the king's great minister, William Pitt, the younger. Not before 1832 was the nominal authority of the Commons transformed into actual control.

Much of the authority wielded by the aristocrats, whether Whigs or Tories, was secured through their clever manipulation of the electoral system, which left them almost absolute control over the majority of the members of Parliament. Obviously the details of that system require further and more detailed discussion.

CHAPTER IV

THE BRITISH ELECTORAL SYSTEM BEFORE THE REFORMS

As we have already seen, when Edward I called his first Parliament he summoned two kinds of representatives for the Commonalty—the knights of the shire and the burgesses. The former represented the old shires or counties, the latter the towns or boroughs. Every county elected its two representatives, while the towns which returned burgesses, were selected by the king or often by the sheriffs. The universities were represented by five members altogether. The twofold representation of both counties and boroughs was the general rule and may be accounted for on grounds of political and personal safety. Each member watched the other to see that he did not betray the interests he was representing. Moreover, the traveling up and down from Parliament in London was dangerous because of highwaymen, and the two members offered mutual protection.

The distinction between knights and burgesses in the House of Commons was a very real one, and persisted to a certain extent until the great Reform Act of 1832 and even later. The knights were superior in dignity and in general represented the great county families. The influential magnates in the counties preserved the right of naming the younger scions of their families for this position, and although the young men themselves often preferred the sport of war or of falconry to the burden of

attending Parliament, they looked upon an election to the Commons, as Hannay says, as a duty and a dignity. "From such men the House of Commons took that high, that gentle tone, which has so often been so justly boasted of by its great men, and which it is to be hoped it will retain through whatever changes are destined for it."

It is almost impossible to overemphasize the importance of the fact that the great families of the nobility were thus represented in the House of Commons through the knights of the shire. In France, where the representatives of the nobility and those of the towns formed different chambers in the Estates General, each chamber representing a different class, there was naturally a continual rivalry and struggle. But in England the younger brothers or sons of Peers sat in the lower Chamber thus tending to modify what might have been the anti-aristocratic feelings of the Commons; later in their lives many of the knights of the shire became peers by heritage or in virtue of services rendered in the lower House, and the aristocratic tone of the upper House was to a certain extent popularized. The two Houses understood each other, and were able to combine against the tyranny of the monarch. Parliament became a real legislative power, instead of, as in France, merely a shadow.

The burgesses in the Commons were of a different social scale than the knights. There was little honor in representing a borough, and the burgesses did not seek the election. They were looked down upon by the knights, in early days at least, and were expected to assume a deferential and retiring attitude, and simply to support without question the interests of the great families. For the most part, the burgesses were the nominees of the lords of the manor or of the government officials, often

of the sheriffs. The people did not seem to resent the fact that their representatives were thus chosen by their social superiors; in fact, there are many instances of the borough praying the magnate of the district to choose a representative for them. The House of Commons was thus in early days by no means a popular chamber and on the whole represented aristocratic interests.

Early elections were informal affairs and there was little to suggest the animated conflicts which were to be characteristic of the later times when seats in the Commons were universally desired and difficult of acquisition. Previous to the fifteenth century it is probable that any free man residing in the county might vote for the knight of the shire. Sheriffs were elected by universal manhood suffrage and the entire male population was assessed for the knight's wages as representative, so that we may assume that Parliamentary elections doubtless followed the same principle. The election was apparently little more than a mass meeting held at the county court. The sheriff, who had the duty of conducting the election, would ride up with his retinue to the court, where were gathered the gentry of the district and their followers, and a crowd of freemen of lesser estate. The sheriff produced the "king's writ," informing the estates, in the Latin tongue, that a Parliament was to be held at Westminster, or York, or Oxford, and bidding the commonalty to choose a worthy and discreet knight of the shire, to aid the king with his advice, first taking care to ascertain if the great baron of the county had not already signified, through his steward or attorney, whom he would have chosen. If, as usually happened, the baron had named his nominee, a son or younger brother, the crowd approved verbally. It might happen, as Palgrave suggests,

that some young knight would be named who disliked the attendance upon Parliamentary duties; if present he would then hastily spur away, when some more amenable representative would be discovered.

The assembly of the county court was open to all freemen and previous to the fifteenth century there does not seem to have been any testing of the rights of those who claimed to attend and vote. During the first century of the Parliamentary régime there was no counting of votes, for the proposal of the candidate was adopted by acclamation. Complete power lay in the hands of the sheriff, who might summarily propose the candidates and so hurry proceedings that the opposing party, if there were one, would have no opportunity of bringing forward their candidate. He might even omit to put the vote, simply reporting that such and such a candidate had been unanimously elected. He might even return the name of a person who had not been voted for by anybody. The small amount of popular interest taken in elections gave free scope for such abuses.

In the fifteenth century (1430) the right to vote for the knight of the shire was first restricted. It appears, from the language of the act which determined the county franchise, that elections in the counties had "been crowded by many persons of low estate and that much confusion" had thereby resulted. The new law restricted voting rights for the knights to persons who held a freehold property worth at least forty shillings a year. At the present time this amount ($10) would not seem to set a very high qualification, but in the Middle Ages, because of the higher value of gold in its relation to other commodities, it represented a very fair property, so that

after 1430 county electors were generally peasant farmers of some substance or townsmen of the middle class.

The qualification, however, was broader than might appear at first glance, since the term freehold was applicable to many kinds of property. Annuities and rent charges issuing from freehold lands were considered sufficient qualification, if they were of 40s. value; dowers of wives and even pews in churches might also be considered freeholds. When clergymen were allowed to vote, after the Stuart Restoration, church offices bringing in an income of more than 40s. a year were held to give the right to vote, and it was not long before any one drawing wages from ecclesiastical freeholds could claim the vote. We read of a chorister in a cathedral being qualified by his services, and practically all the servants of an ecclesiastical establishment such as Westminster Abbey were electors on the same grounds. The butler and brewer of the Abbey voted by reason of their supposedly ecclesiastical functions, as well as the organ-blower, the cook, the bell-ringer and the gardener. Even after the great Reform Act, freeholds of curious kinds gave the privilege of enfranchisement. Thus the members of a vestry in Marylebone in London, ingeniously discovered that the burial-ground attached to their parish brought in sufficient income to allow them to qualify as voters on the freehold franchise.

It is difficult to estimate how many electors were qualified by the freehold county suffrage. There are no reliable statistics which give us the number of county electors or indicate exactly the proportion of voters to population. It is certain, however, that the franchise was not one of a truly popular character. Although there were 150 kinds of freehold land tenure that established a county qualifi-

cation and 570 different kinds of freeholds, there were, as late as 1831, less than 250,000 county electors in England and Wales, and the proportion of county voters to population was probably not as high as one to thirty-five.

The qualification which allowed a townsman to vote in the election of burgesses became in many respects even more undemocratic than the county franchise. Originally, it is probable that boroughs elections were held on the basis of universal manhood suffrage, every freeman of the town taking part in the choice of a burgess. As in the case of the county elections, the townsmen, who were generally none too anxious to support a representative in the Commons, were willing to defer to the judgment of the magnate of the district. Neither membership in the House of Commons nor the right to elect a member was looked upon as anything but a burden. In some boroughs, probably, the great mass of the inhabitants took part in the election. In others, however, the voters preferred to leave the choice to the mayor or to the corporation. Sometimes a committee was chosen for the purpose of electing the two burgesses. Thus in King's Lynn, in 1433, a sort of electoral college was coöpted for choosing the two members; the royal writ was first read ordering the election of two burgesses, "and for electing them, the Mayor called two of the twenty-four (meaning the Court of Livery) and two of the common council, which four chose two more of the twenty-four and two of the common council, and they chose four others, who all unanimously chose John Waterden and Thomas Spicer to be Burgesses in Parliament."

As time went on, the franchise in boroughs became

more and more varied. Local custom in some boroughs restricted the right of vote. Sometimes the monarch, especially in the time of the Tudors and the first Stuarts, who were anxious to keep the Commons under their control, would restrict the franchise to the Mayor or Corporation of the borough. After 1688, the House of Commons began to assume the right of determining what should constitute the franchise in various boroughs. These resolutions of the Commons were often rescinded and amended, so that by the end of the eighteenth century there was no regular borough franchise and it depended entirely upon which borough a man lived in, as to whether he could or could not vote for his representatives in the Commons. The perplexities of the borough suffrage puzzled all but election experts and often defy successfully the elucidation of the modern historian.

In a broad sense there were four general types of borough franchise. In some of the boroughs, the right of vote had not been restricted to any marked extent and the suffrage depended, as it had originally done, upon residence in the borough and contribution to the poor-rates. This franchise was known as the "scot and lot" franchise. The origin of the term is doubtful, although it unquestionably refers to the contributions made by the inhabitants of the borough to municipal charges. "Scot" may have meant the rate or tax imposed, and "lot" the apportioned amount of the same. In Scotland, when a person petitions to be admitted a burgess of a royal borough, he engages that he will "*scot* and *lot*," that is, *watch* and *ward*. On the whole, it merely signified that persons paying scot and lot were prosperous and independent and able to contribute to local burdens.

Scot and lot voters were disqualified by the receipt of

alms and charity. "Alms" meant the receipt of parish relief, and "charity" the revenue from certain specific funds established or bequeathed for the assistance of the poor. Curiously enough we find that certain kinds of charity did not disqualify the recipient from voting.

The scot and lot franchise was to be found in all kinds of towns: in such small villages as Gatton and Aldborough, and also in populous municipal boroughs such as Westminster and Southwark. It was, with the similar "inhabitant householder" franchise, the most democratic and popular of all, and sometimes resulted in what amounted to universal manhood suffrage. In one borough, at least, the franchise was more popular than anything known in modern times: in Preston no residential qualification was demanded, and a traveler or a regiment of soldiers arriving in the borough the night before an election had the right to vote on the succeeding day.

Not unlike the "scot and lot" franchise was the "potwaller" or "potwalloper" qualification. This euphonious term was applied to any inhabitant, householder or lodger who had the sole dominion of a room with a fireplace or stove in it and who furnished and cooked his own diet at such stove or fireplace. Like the "scot and lot" the "potwaller" franchise was designed to serve as a rough-and-ready test of a man's independence. On the eve of an election, a potwaller might be seen spreading his board in front of his cottage to prove that he was qualified to vote.

But these qualifications, which were of a popular character and enfranchised many of the working classes, were not to be found in the majority of boroughs. The greater number of burgesses were elected on far more restricted franchises. In some boroughs the sole qualification for

voting was a "burgage hold." This was a peculiar type of tenure, for which the holder had to render certain specified services and which was sufficiently rare to restrict the suffrage narrowly in the towns where it was the necessary qualification. In some cases residence was necessary, and the chimneys of the burgage cottages or hovels were carefully preserved as evidence of the possibility of residence. But in general the required period of residence was extremely short, and a single night might be sufficient. The lawyer who had charge of seeing to the election of a certain candidate would distribute the papers on the eve of an election amongst his agents, who would go down on the evening coach and qualify in order to vote the next day, after which they would return the documents proving the qualification. Because of the ease with which they might be transferred, these documents were known as "snatch-papers." Sometimes residence was not necessary or even possible. At Droitwich the qualification for the franchises was being "seised in fee of a small quantity of salt water arising out of a pit." It was proved that the pit had been dried up for forty years, but there were title-deeds which the voter could produce at the polls to prove his qualification. At Downton one of the qualifying burgage tenements was in the middle of a water course. The burgage holders were never independent voters since they were almost invariably at the beck and call of either lawyers or landlords. This type of franchise was one which almost more than any other made possible aristocratic control of elections.

In other boroughs, as we observed, the right of choosing a member for Parliament had become vested in the Mayor and municipal corporation. These officials were generally none too honest or scrupulous, and when seats

became desirable, it was their regular habit to name the man chosen by the squire or peer of the district, or to sell the seat to the highest bidder.

The most important of all the types of the borough franchise was the freeman qualification. We must not be misled by its name into thinking that it was a popular franchise, for the term "freeman" denoted special privileges. Originally it was used to designate all inhabitants who were not "unfree" such as serfs and villeins. But with the growth of the feeling of bourgeois monopoly when all craftsmen must be enrolled in a trade gild, the same feeling grew up with regard to the municipality, and "freedom" meant participation in the privileges of citizenship. The "freemen" were those who possessed this "freedom," which was looked upon as a special privilege and was only to be won on certain terms.

The "freedom of the city" might be bestowed by the Mayor and corporation, and then, as at the present time, was often given to distinguished strangers *honoris causa.* In towns where freedom carried with it the right of vote in Parliamentary elections the corporations were not so nice in their bestowal of the privilege, and were apt to confer it upon any persons whose electoral assistance they might desire. The requirement of residence was not attached, and when the members of the corporation feared that their nominee might suffer defeat, they were accustomed to import vast batches of outsiders, creating them freemen for voting purposes pure and simple. They did not scorn to sell the right at times, when a candidate stood in need of votes and wanted to see his followers enfranchised.

Freedom was also obtained by inheritance and service. In the former case, the son of a freeman acquired

his freedom and the suffrage upon arriving at the age of twenty-one. In the latter, apprenticeship for seven years to a freeman brought the privilege. In London City, the similar quality of "Liveryman," which gave the right to vote, might be acquired through purchase or redemption.

Freedom might also be secured by marriage with a freeman's daughter, and unquestionably served to enhance the charms of many a bride, for the privilege brought with it not merely the Parliamentary franchise, but also certain financial benefits, while the widow and children of freemen had the right to participate in certain charities. When in 1832 the Government proposed to abolish the electoral rights of freemen, a general protest resulted, begging that the daughters of freemen might be allowed still to bring the franchise as their marriage portion to the altar.

That it was highly valued can hardly be doubted. We read that Queen Elizabeth had granted to the daughters of Bristol freemen the right of enfranchising their husbands, as a special dowry, apparently because they were none too attractive and would find difficulty in securing satisfactory spouses without some such material inducement. The right was certainly abused. In various cases the daughters of freemen were said to have been shut up in rooms at election time, ready to marry any unfranchised man who would vote for the cause her father espoused. At one contested election, it is said that a trick was devised for the same woman to marry several men, and, since she was a freeman's daughter, enfranchise each. When the ceremony of marriage was completed the first husband would go to the polls and record his vote; after which he and his wife shook hands over a grave, saying, "Now death do us part," which was regarded as a divorce.

The woman then proceeded to qualify another husband at another church, and so on.

The freeman franchise can hardly be considered democratic. It was subject to the tricks and sales above described, and it was one which depended upon privilege. The freemen themselves did not look upon their right to vote in Parliamentary elections as anything but a means to fill their pockets. They were notoriously corrupt and often disreputable, lending themselves readily to the violence that characterized elections in the eighteenth and early nineteenth centuries. In truth, few of the borough electors could be called independent. Most of the scot and lot voters, as well as the potwallers, voted at the behest of their landlords, as did the burgage-holders, while the anti-democratic character of the borough suffrage in the towns where the right of vote was vested in the corporations, is obvious.

The distribution of seats was also essentially undemocratic. According to modern notions, electoral districts should all be of approximately the same size, each member being elected by about the same number of voters. But in England such evenness of distribution was never attempted. We find that large and important centers of population and industrial activity often had no direct representation whatever, while unimportant villages returned two burgesses apiece to the House of Commons.

When Parliaments were first called, two knights of the shire were summoned from each English county. The size of the county made no difference, and tiny Rutland was equally represented with Yorkshire. When Wales was annexed, each of the Welsh counties was given the privilege or duty of returning one member.

The distribution of borough seats was in early days

undetermined and depended entirely upon the whim of the monarch or the choice of the sheriffs. In the fourteenth century the king would send down his writs to the sheriffs, informing them that a Parliament was to be held, and bidding him see that the fit towns elected their burgesses; sometimes the towns would be particularly designated, at other times it was left to the discretion of the sheriff to decide which towns should be represented. Naturally, the more important centers would be chosen, such as cathedral cities; furthermore, since the trade and industry of England were concentrated in the South, before the industrial revolution, the majority of represented towns lay in the Channel Counties.

Frequently the monarch would designate favored towns for representation, and especially those the burgesses of which he could easily control. Thus Cornwall, the royal county, always had more than its share of represented towns. Court favorites would sometimes obtain the grant of Parliamentary representation for the villages where their influence was supreme; small towns, such as Corfe Castle and Bishop's Castle thus enfranchised by Elizabeth at the request of Sir Christopher Hatton, were often made Parliamentary boroughs.

Even so late as the seventeenth century the distribution of borough seats was indeterminate. Pepys reporting a conversation with four learned lawyers in 1668 and enjoying "a great deal of good discourse about parliament," discovered that the distribution of burgesses was not fixed, "their number being uncertain, and always at the will of the King to increase, as he saw reason to erect a new borough."

In later times this uneven distribution of seats was to produce bitter protest on the part of those towns of

size and importance which did not have the right of electing burgesses. But previous to the seventeenth century the election of burgesses was not looked upon as a right or a privilege but regarded in the light of a very heavy burden. Until the days of the later Stuarts the burgesses received wages, which varied in amount from three to five shillings a day, and these wages had to be provided by the borough. Moreover, the borough was expected to provide a horse for the member as a matter of courtesy, and his expenses going and coming must be settled. Generally speaking, the value of representation did not seem to the borough to be worth the cost, and we find that in many instances the townsmen preferred to undergo sacrifices or pay a price to escape representation. Colchester, for example, in the fourteenth century was granted special exemption from sending burgesses to Parliament, in consideration of the town's promising to fortify the walls of Colchester against the king's enemies. Even so late as 1668, Pepys relates a conversation with the Parliamentary authority, Prynne, in which the latter said that "several boroughs have complained of the Sheriffs putting them to the charge of sending up burgesses." And earlier we find a town complaining that it was "*malitiose ad mittendos homines ad Parliamentum oneratus.*"

The burgesses themselves were not eager, in early days, to have the election given to them. We find from the journal of a certain John Harrington, whose family had sat for Bath for successive sessions, that an election to Parliament was not invariably sought after, and that attempts were often made to avoid it: "Dec. 26 (probably 1658-9).—Went to Bathe and dined with the Mayor and Citizens; conferred about my election to serve in parliament, as my father was helpless and ill able to go any

more; went to the George Inn at night, met the Bailiffs and desired to be dismissed from serving; drank strong beer and metheglin; expended about iiijs.; went home late but could not get excused, as they entertained a good opinion of my father."

But towards the end of the seventeenth century, and in certain boroughs at least half a century earlier, membership in Parliament began to seem desirable, seats became valuable, and consequently, the right of sending burgesses to the Commons came to be regarded as a privilege instead of a burden. The voters in these towns learned that they could sell the franchise, and the mayors and corporations made no little financial profit from elections. When the Commons became the real power in government at the end of the seventeenth century, seats were eagerly sought, unrepresented centers began to complain, and plans for a redistribution more nearly in accord with the wealth and population of the different districts were suggested.

The reformers certainly had good grounds for their complaints that the real life and activity of Great Britain were not fairly represented. In the old days the southern counties could claim to be the most important. But by the beginning of the nineteenth century the center of industry and population had shifted far to the north. The inventions of Arkwright and Watts had given rise to the power loom and steam engine, which quickly raised the Midlands, Lancashire, and Yorkshire to industrial importance. The new large towns, such as Leeds and Manchester, sprung up in the wake of the industrial revolution, were unrepresented except through the knights of the shire. The latter, almost invariably represented agricultural interests, and the manufacturers of the towns

could justly complain that their interests received little hearing in the House of Commons. Populous boroughs, such as Westminster and Southwark, had only two members; Liverpool and Glasgow themselves had no more.

On the other hand, as the reformers pointed out, the small boroughs of the South, each with its two burgesses, were of no importance at all from the point of view of wealth and population. Some of them were the merest villages, "whose streets," as Burke said, "can only be traced by the color of their corn, and whose only manufacture is in the members of Parliament." A part of Cornwall, which since 1885 has formed but one Parliamentary division, and has been represented by only one member, contained, before the Reform of 1832, nine boroughs and returned eighteen members.

Certain sections were rich in Parliamentary seats. In Yorkshire, for example, two small towns in the same parish, Aldborough and Boroughbridge, each returning two members, were only half a mile apart. In Sussex, Steyning and Bramber were so much the same town that they had but one common street and none but the local expert could tell where the one began and the other ended; but they each had their two parliamentary seats and together could offset in a division of the House the representatives for Westminster and Liverpool.

There were in England and Wales alone, no less than thirty-six boroughs of which the population was in each case less than twenty-five persons. Old Sarum had long ceased to be anything but an open field, with no inhabitants. Its plowed fields had seven votes and returned two members. There were no houses and the returning officer had to build himself a tent in which to hold the election. Much of Downton was under water, and many

of the other boroughs had almost disappeared. They still continued to be represented in the House of Commons, however, and the majority of members of the House were returned by towns of less than five thousand inhabitants each.

Such a system, which left industry largely unrepresented and gave to the sparsely-settled agricultural districts far more than what we should consider their fair quota of seats, was obviously undemocratic. But perhaps the chief vice of the system was that in the small boroughs elections were absolutely controlled by aristocratic or plutocratic interests. The magnate of the district in which the election was held was absolute master of the seat in the House of Commons and could name the member who should fill it. So general was this fact that nomination, as it was called, became one of the chief characteristics of British unreformed elections. It was, of course, through the small or rotten boroughs that this power of nomination was exercised.

Nomination was not a factor of great political importance during the earlier history of election. Seats in the House were not wanted in general. People cared little who was elected. But with the growth of the political importance of the Commons in the seventeenth century came the increased desirability of seats. The monarch was naturally anxious to control the election of members so far as possible in order to mitigate the growing liberalism of the Legislature. The great nobles, many of them opposed to the king, perceived that the more seats they controlled the greater their political power. And the liberal elements in the towns became aware that unless they made their voice in elections something more than nom-

inal, they could not hope to escape the political domination of the king or upper classes.

But the perception of the liberal elements of the importance of even free elections came too late. The voluntary abdication of voting rights which the people had formerly made, had allowed the upper classes firmly to establish their electoral domination. In a great majority of the boroughs the will of the peer or the wealthy commoner was unbreakable. In the counties and in the larger boroughs, by various means, direct and indirect, aristocratic influence in elections was generally supreme, and was to remain so until 1832.

We have already noticed that the greater part of the boroughs were small towns or villages. Their population was sparse, their electorate still more so. The restrictions on the borough suffrage had resulted in leaving but a handful of voters in many constituencies, and sometimes the franchise was entirely confined to the municipal corporation. In such boroughs elections were a farce from the popular point of view. In the towns where the franchise was confined to the burgage holders, the magnate of the district could, and generally did possess himself of all the burgages, transferring them at election time to his agents, who would vote absolutely as he directed. If the franchise were vested in the corporation and mayor, a little pressure of a social or financial nature would generally bring them to electing the candidate desired by the magnate.

Such electoral magnates were known as patrons and their right to nominate the member for the borough was definitely recognized. The borough, known as a "pocket" or "close," and later as a "rotten" borough, was the property of the patron or proprietor and might be disposed

of as he wished. If we look up Old Sarum, in the *Magna Britannia* (the encyclopedia of the day) we find that it recognizes clearly this right of property in a close borough: "It has lately been purchased by Mr. Pitt, commonly known by the name of Governor Pitt, who had the famous large diamond. His posterity now have an hereditary right to sit in the House of Commons as owners of it, as the Earls of Arundel have to sit in the House of Peers as Lords of Arundel Castle." Later on, in 1826, the borough came into the possession of the Earl of Caledon, who nominated the two members for the House of Commons. The franchise was here in the hands of the nominal burgage holders. There were seven burgage holds, each conferring the suffrage, but they were all owned by the patron, and as there were no inhabitants, all that the election consisted of was the despatch of a lawyer at election time with the deeds proving possession of the burgages in his green bag, their transference to dummy electors and the declaration of the election.

In such boroughs there was no need of canvassing or electioneering. Even in more populous boroughs the control of the borough patron was quite as simple. Thus at Thirsk, where the suffrage was confined to the holders of fifty burgages, all but one of them was held by Sir John Frankland, who merely named the electors and at election time provided them with the documents proving their qualifications, and instructing them for whom to vote. At Knaresborough the Duke of Devonshire owned all the property upon which the qualifications of the twenty-eight voters were based. The candidate named by the duke would not even take the trouble to appear at the election. Some old pauper would be named as proxy and

would be triumphantly "chaired" after the proceedings.

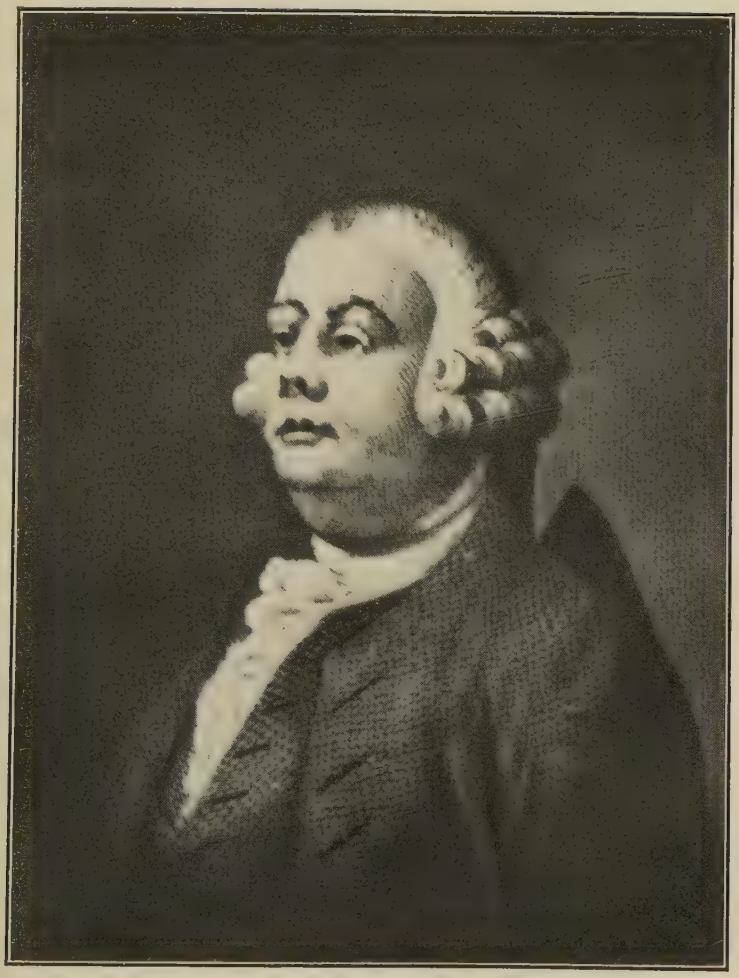
Charles James Fox, later noted as a reformer, entered the House of Commons through a rotten borough. His father and uncle desired to keep the young Charles and his cousin steady, a problem which taxed their wits to no small extent. They decided that it would be a sobering influence for the boys to enter Parliament, and they looked around for a suitable borough. Charles was just nineteen years of age, and for him was found the borough of Midhurst. This, according to the biographer of Fox, Sir George Trevelyan, was "the most comfortable of constituencies from the point of view of a representative; for the right of election rested in a few small holdings, upon which no human being resided, distinguished among the pastures and the stubble that surrounded them by a large stone set up on end in the middle of each portion. These burgage tenures, as they were called, had all been bought up by a single proprietor, Viscount Montagu, who when an election was in prospect assigned a few of them to his servants, with instructions to nominate the members and then make back the property to their employer. This ceremony was performed in March, 1768, and the steward of the estate, who acted as the returning officer, declared that Charles James Fox had been duly chosen as one of the burgesses for Midhurst, at a time when that young gentleman was still amusing himself in Italy."

The first entrance of the great William Pitt into the Commons was not dissimilar. Pitt had been advised to see Sir James Lowther, if he desired an easy and secure entrance into political affairs, and had succeeded in interesting this magnate, who was generally recognized in elections as we should recognize a "boss" to-day. Once Lowther's promise of assistance was given, Pitt evidently

considered himself as much as elected. He writes to his mother: "I can now inform you that I have seen Sir James Lowther, who has repeated to me the offer he had made before and in the handsomest manner. . . . Appleby is the place I am to represent, and the election will be made (probably in a week or ten days) without my having any trouble, or even visiting my constituents." The young candidate was perfectly aware that such a thing as a defeat was out of the question and was not troubled even by the thought of a contest. "I have not yet received the notification of my election," the future prime minister writes some weeks later; "it will probably not take place till the end of the week, as Sir James Lowther was to settle an election at Haslemere, before he went into the North, and meant to be present at Appleby afterwards."

Lowther, who was later rewarded by Pitt with a peerage and became Lord Lonsdale, was one of the most noted electoral patrons of the eighteenth century. He was, according to his own declaration, in possession of the land, the fire, and the water of Whitehaven, and his electoral power in the Lake District was uncontested to such an extent that Junius called him "the contemptuous tyrant of the North." In the southern county of Surrey, too, he was an electoral factor, owning the suffrages of the borough of Haslemere. On one occasion he transported a large number of Westmoreland miners in his employ across England, and settled them at Haslemere, where they were to carry elections in his interest. Altogether Lonsdale was proprietor of no less than nine seats in the House of Commons. The nine members who filled those seats were known as "Lowther's ninepins."

This collecting of borough seats was habitual among the



Bub Doddington

peers of the eighteenth century. Indeed it had begun as early as the time of Elizabeth, when the favorite of Queen Elizabeth, the handsome Earl of Essex, busied himself in finding and nominating candidates. "I have written several letters," he says in 1592, "to Lichfield, Stafford, Tamworth, and Newcastle, for the Nomination and Election of certain burgesses for the Parliament to be held very shortlie; having named unto them for Lichfield, Sir John Wingfield and Mr. Broughton. For Stafford, my kinsman, Henry Bourgcher and my servant Edward Reynolds. For Tamworth, my servant Thomas Smith. For Newcastle, Dr. James."

Under the Georges, aristocrats collected borough seats almost as they would shares in a joint-stock company. The Earl of Darlington had eight seats in his possession; the Duke of Norfolk and Earl Fitzwilliam returned six members each to the House of Commons; the Dukes of Devonshire, Newcastle, and Northumberland, the Marquises of Buckingham and Hertford, the Earl of Powis and Baron Carrington each nominated five, and the Dukes of Bedford and Rutland four. Lord Russell, in his "Recollections," tells of a noble lord who prided himself upon his electoral patronage and who, when he went out hunting, insisted upon having a tail of six or seven members of Parliament of his own making.

According to the petition for reform presented by Cartwright in 1820, 200 seats in the House of Commons were controlled by 90 peers, while the same number of commoners nominated 137 more members. Adding in the seats controlled by ministerial patronage, the members for which were nominated by the officials of the Treasury, the Admiralty, and the Ordnance, Cartwright could say with justice that there was "a total of 353 members cor-

ruptly or tyrannically imposed on the Commons in gross violation of the law, and to the palpable subversion of the Constitution." More than half of the House of Commons was thus appointed by an aristocratic and plutocratic clique of less than two hundred persons.

As it was a matter of fashion to be a borough patron, some of the borough proprietors took little interest in politics and nominated their candidates as their whims directed. Russell says that a peer on being asked by his agent who should be elected for a certain borough, named a waiter of the fashionable White's Club; but as he did not know the man's exact name, the election was declared void. A new election was then held, when the name having been ascertained, the waiter was declared duly elected.

More generally the power of nomination was used for political purposes. The Government controlled fifteen seats by virtue of their establishments and patronage, and were accustomed to dicker with the influential patrons in order to secure more seats and assure their majority in the House of Commons. A wealthy commoner who controlled the nomination to several seats could generally obtain a peerage if he assured the Government of his support, and patrons with peerages could enhance their fortunes by nominating the men desired by the ministry. Frequently a place in the Government itself might be secured on fulfilling a promise to win seats for the ministers. Bubb Doddington, who was notorious in the eighteenth century for his electoral influence and wiles, thus obtained six seats for the Duke of Newcastle in 1754, although in this instance he overreached himself and failed to get reward for his services, or even reimbursement for his expenses. But in general the Government was willing to load the borough patron with honors.

George Selwyn had strong influence in Gloucester and returned the two members for Ludgershall, all of which stood him in good stead. He was, according to Trevelyan, "at one and the same time, Surveyor-General of Crown Lands, which he never surveyed; Registrar of Chancery at Barbadoes, which he never visited; and Surveyor of the Meltings and Clerk of the Irons in the Mint, where he showed himself once a week in order to eat a dinner which he ordered, but for which the nation paid."

When the Government bought seats for their adherents, complicated bargains were struck as to how the cost should be divided between the Treasury and the candidate. "Mr. Legge," wrote Lord North to his chief election manager, "can afford only £400. If he comes in for Lostwithiel he will cost the public 2,000 guineas. Gascoyne should have the refusal of Tregony if he will pay £1,000, but I do not see why we should bring him in cheaper than any other servant of the Crown. If he will not pay, he must give way to Mr. Best or Mr. Peachy." Whig administrations, with a certain canniness, actually speculated in seats, buying them cheap and selling them dear, thus saving money for the public. Another transaction of Lord North appears from a petition presented to the House of Commons in 1770. It seems that he had sent his agent, one Lloyd, down to a small borough, Milborne Port, to negotiate for the seat. Lloyd treated with the borough patron, Medlycott, who was in possession of four of the qualifying holdings. The negotiation was successful, and a contract was drawn up, signed and duly witnessed, in perfect legal form, according to which Medlycott agreed to sell his interest in the borough, he himself to be nominated to one of the seats and Lord North to have the appointment to the other. Such proceedings seem to us

totally out of place in a representative system, and indeed, absolutely inconsonant with any system of free elections. But the House of Commons, when the matter was brought before them, approved the transaction, at least tacitly, and refused to declare that such transactions were illegal.

By the close of the eighteenth century the practice of bartering influence in boroughs for political favor or money, or the selling of borough seats outright, had become habitual. Commerce in boroughs was an established trade. The "borough-mongers," as they were called, would buy a seat or a borough with its two seats, to hold for investment as they would stock. They would cultivate the boroughs for sale, buy up all the holdings which gave qualifications and extinguish any rival or independent interest. When they had finally secured complete control of all the franchises in the borough, they would put it on the market, certain of a good price and a handsome advance on what they had paid.

With the enormous fortunes made in the East and West Indies in the eighteenth century there were many wealthy "Nabobs" returning to England, anxious to win social position. The House of Commons, "the best club in the world," offered them an opportunity for social advancement and the Nabobs were willing to pay high prices for seats. Chesterfield, writing to his son in 1767, tells of his desire to buy a seat and his disgust at the high prices asked: "In one of our conversations here this time twelve month, I desired my Lord Chatham to secure you a seat in the new Parliament. He assured me he would, and, I am convinced very sincerely. . . . Since that I have heard no more of it, which made me look out for some venal borough; and I spoke to a borough jobber, and offered five and twenty hundred pounds for a secure seat

in Parliament; but he laughed at my offer, and said there was no such thing as a borough to be had now, for the rich East and West Indians had secured them all, at the rate of three thousand pounds at least, but many at four thousand, and two or three that he knew of at five thousand. This, I confess, has vexed me a great deal."

Curiously enough some of the later Parliamentary reformers first entered Parliament by seats purchased through borough jobbers. Stanley, later Earl of Derby, was chosen for Stockbridge in 1820 when its proprietor, a Tory West Indian, in need of ready money, had put it on the market and sold it to a Whig peer. Sir Francis Burdett had bought his entrance into the Commons from the Duke of Newcastle, paying a good price for Boroughbridge. Just before the Reform of 1832, when a thorough revolution in the electoral system seemed possible, seats became less valuable; Gatton, a borough owned by Lord Monson, was put on the market by its patron and the broker sold it for as low a price as twelve hundred pounds.

The system of nomination exercised in the small close boroughs, was not, as we shall see, without its defenders. The Tories of 1832 contended that its practical effects were good; that through it the landed and moneyed interests received due representation, that it preserved a smooth connection between the Lords and the Commons, that it was essential to the functioning of government, since the ministers relied upon the support of the close borough members. Chiefly, however, did they emphasize the fact that through the close boroughs young men of talent could find an easy admittance into Parliament. However much truth there may have been in such contentions, the fact remains that a majority of the members of the House of Commons came from the small

pocket boroughs, were appointed by aristocrats or plutocrats, and were not really elected by the people. The system may have worked well for a time; but it was in no sense a true representative system.

Even the members elected by the counties and the larger boroughs where the franchise was less restricted, were not popular representatives. It is true that in these constituencies there were more voters; sometimes in the scot and lot boroughs, such as Westminster and Southwark, something like manhood suffrage was approached. And it is also true that the elections often developed fierce conflicts so that the simplicity of control characteristic of the close boroughs was totally lacking. But even so, popular interests were not the issue. The contest was waged between two rival aristocrats; the result favored a Tory peer or a Whig peer, and except in rare cases, not the cause of democracy. The aristocratic electioneers had to use many methods to control elections in counties and larger boroughs, but in the end such control was usually theirs.

CHAPTER V

ELECTIONEERING IN BRITISH UNREFORMED DAYS

The prevalence of rotten boroughs and the extent of the system of nomination did not prevent the development of habits of electioneering designed to catch or force the suffrages of the voters in the constituencies where there was an electorate of respectable size. In the counties and in the larger boroughs the voters looked upon their franchise as an asset which was to be liquidated in a financial sense, and upon elections as holiday occasions during which profit was to be realized and fun and tumult indulged in.

Previous to the eighteenth century bribery was not one of the prominent features of an electioneering campaign in a large constituency. A burlesque bill of costs, showing the imaginary expense-account of a candidate, indicates that so late as 1715 violence and intimidation were regarded as the most effective method of winning votes. During the régime of the early Stuarts, when elections in the counties began to be really contested, when the conflict between Government influence and that of the local magnate, between the Church interest and the Puritan corporations, waxed hot, coercion of electors seems to have been common, especially in the larger constituencies. We read that "in many places the elections were managed with much heat and violence," and Nalson's Papers tell us that in one instance at least a candidate's life was threatened: "It was said among the people that

if Nevil had the day, they would tear the gentleman to pieces."

Under James II, the monarch taught his lords and people how to carry on electioneering and did not hesitate to use his influence to win elections for the candidates who would support his policy, that he might have Parliament subservient to his ends. Evelyn records that "great industry was used to obtain elections which might promote the Court interest." James sent Lord Bath down into Cornwall carrying with him fifteen charters which James promised he would restore to the corporations, but only on condition that they would elect men favorable to the Court. Bath was known as the "Prince Elector." When corporations and mayors of boroughs were not corrupted by Court interest, they could generally be approached through pecuniary paths. The venality of municipal officials in this respect was so well known as to give rise to the proverb, "It's money that makes the Mayor to go."

One of the greatest electioneers of all time was the Marquis of Wharton, who in the early part of the eighteenth century realized the value of a well planned electoral campaign and who, according to Hannay, "may pass as the patriarch of the art in this country." Wharton did not fear to use his fortune to further his electoral success; he is said to have spent no less than twelve thousand pounds in 1705 and in all his electioneering campaigns together as much as eighty thousand pounds. But the results were commensurate, for he managed to return from twenty to thirty members.

He was equipped with a born genius for canvassing and probably won as many votes by his memory for names and faces as he did with cash or practical favors. An

Humors of an Election Entertainment

Hogarth

eye-witness, belonging to the opposite party, describes the graciousness of his manner, and the skill with which he won votes in his talks with the villagers. "My lord, entering a shoemaker's shop, asked 'where Dick was.' The good woman said 'her husband was gone two or three miles off with some shoes, but his lordship need not fear him—she would keep him tight.' 'I know that,' said my lord, 'but I want to see Dick and drink a glass with him.' The wife was sorry Dick was out of the way. 'Well,' says his lordship, 'how does all thy children? Molly is a brave girl, I warrant by this time.' 'Yes, I thank ye, my lord,' says the woman; and his lordship continued, 'Is not Jemmy breeched yet?'" We may be sure that the good woman took care that her husband voted in Wharton's interest, and there were few electors who could resist the charm of this nobleman, which he exercised so intelligently.

With the rise of Walpole, who kept himself in power for many years by means of a corrupt majority, the use of gold in elections became prevalent. Walpole's pupil, Pelham, utilized and improved upon the electioneering methods of his master, and from 1754 until 1832 elections in the larger constituencies witnessed scenes of wholesale bribery, incontinent treating, and violent intimidation. The election scenes depicted by Hogarth give an excellent idea of the character of elections in the mid-eighteenth century and the methods employed to win votes in the larger constituencies. "The Election Entertainment" shows the tumult and greed characteristic of popular elections of the time. The mayor, the most prominent personage of the picture, has overeaten and sunk deep in his chair as a result of too many oysters. One party is regaling the electors at the

tavern, while the other is forming an intimidating procession in which their bullies, or "bludgeon-bearers" are prominent. The voters, who have obviously imbibed too freely, are treating one candidate with coarse familiarity. Notes and gold are being distributed, while the "Act Against Bribery and Corruption" is being turned into pipe-lighters for the use of smokers. Fights between the adherents of each party are in progress.

In "Canvassing for Votes" the most prominent feature is the competition between the rival parties for the taverns in which to regale their supporters. A pictorial poster shows a burlesque representation of the Treasury Office, from the tall story of which flows a stream of gold, which is being packed into bags for distribution; in the lower portion of the poster a candidate has a wheel-barrow filled with sacks of money, and is throwing the gold-pieces with a ladle into the hats of voters. The candidate is buying drinks all around in the bar-room, and his adherents are gorging themselves, while the inn-keeper is slipping money slyly into the concealed palm of an elector. At another inn a fierce fight is in progress between bludgeon-men.

"The Polling Booth" shows the two parties bringing up their supporters to the poll to vote, and burlesques the idiotic character of the electors who vote as they are told by those who have purchased their franchise. The voters are infirm and maimed, among them a dying man and an imbecile who does not know the difference between his right hand and his left:

> "Behold here gloriously inclined
> The Sick, the Lame, the Halt, and Blind!
> From Workhouse, Jail, and Hospital,
> Submissive come, true Patriots all!"

"Chairing the Member" is the final scene, showing the successful candidate raised perilously high above the crowd in his chair. He is followed by a procession of rough musicians and bludgeon-men; a barrel of beer is ready for public enjoyment, while the defeated party stare out through the demolished windows of the tavern.

The caption under an earlier plate, "The Humours of a Country Election," illustrates features of electioneering of the times, as follows: "I. The candidate welcomed into town by music and electors on horseback, attended by a crowd of men, women, and children. The candidates saluting the women and amongst them a poor cobbler's wife, to whose child they very courteously offer to stand God-father. II. The candidates are very complaisant to a country clown, and offering presents (a bag marked £50) to the wife and children. The candidates making an entertainment for the electors and their wives, to whom they show great respect; at the upper end of the table the parson of the parish sitting, his clerk standing beside him. III. The place of electing and polling, with mob attending. The members-elect carried in procession in chairs upon men's shoulders, with music playing before them; attended by a mob of men, women, and children huzzaing them."

The most obvious method of securing the votes of electors in the larger boroughs and counties was direct purchase. Direct bribery of this kind was, as we saw, comparatively rare before the eighteenth century, although there is an instance of very naïve corruption in the sixteenth century. We read in the Parliamentary History of one Thomas Long, elected for the borough of Westbury in 1571. He, "being found to be a very sim-

ple man and not fit to serve in that place, was questioned how he came to be elected." Certainly the "simple" member did not make display of any very subtle evasiveness for he replied with a direct frankness seldom met with in modern times: "The poor man immediately confessed to the House that he gave to Anthony Garland, mayor of the said town of Westbury, and one Watts of the same, £4 for his place in parliament." Long lost his seat, but unlike modern traffickers in corrupt practices seems to have received his money back again: "An order was made that the said Garland and Watts should repay unto the said Thos. Long the said £4 they had of him."

Despite the passing of anti-bribery legislation, the growth of corruption increased as seats in the Commons became more sought after. In 1696 Parliament passed the so-called Treating Act which defined Corrupt Practices in elections and settled exact penalties. The Treating Act declared that any candidate who gave money, meat, or drink to an elector in order to procure his own election, should be disqualified and the election declared void. Thirty years later another Act declared that any candidate convicted in a court of law of corrupt practices should not merely lose his seat, but should also be ineligible for reëlection; the guilty voter was to be fined £500. A bribery oath was also to be administered to all voters, which if it had been observed faithfully would have prevented bribery absolutely. It ran as follows: "I, ———, do swear I have not received, or had myself, or any person whatsoever in Trust for me, or for my Use and Benefit, directly or indirectly, any sum or sums of money, Office, Place, or employment, gift, or reward, or any promise, or security for any money, employment, or gift, in

order to give my vote at this Election, and that I have not polled before at this Election,

So Help me God."

Perjury, however, must have been as frequent as financial corruption, for there seem to have been few voters who could have honestly taken this oath. At the borough of Hindon, in 1774, it was found that practically the whole electorate had been bribed. The Committee appointed to investigate, which was willing to punish, recommended a bill "to incapacitate from voting at election of members of Parliament 190 persons, besides the thirteen above-mentioned, out of 210 who had polled at the election." Here, as in other boroughs, the electors felt no shame at their corruption, and they looked upon the franchise merely as an opportunity for selling the vote to the highest bidder. They took the "annual dinner and septennial bribe" as just perquisites and looked forward to contested elections as shareholders in war-stocks look forward to extra dividends. One of Sheridan's constituents once complained to him of the low price paid for votes: "Oh, sir, things cannot go on this way; there must be a reform. We poor electors are not paid properly at all."

Some of the instances of bribery are particularly blatant. The borough of Sudbury openly advertised for a purchaser; the electors of Grampound boasted that they received three hundred guineas apiece for their votes. At Aylesbury, the highest bidder was awarded the promise of the election by the municipal officials, as one awards a contract. At Stafford, Sheridan paid retaining fees between elections to his constituents, at the rate of five guineas per burgess. At Hull, Wilberforce found the price of a plumper (a straight ticket vote) four guineas.

At Ilchester, according to Southey, because of the control exercised by the burgesses, a vote was worth thirty pounds.

The most notable instance of organized corruption, perhaps, was to be found in the borough of Shoreham. Here the electors formed a sort of joint-stock company, for electioneering purposes and purely with the object of obtaining the top price for their votes. The Journals of the House of Commons (vol. xxxxiii) show the character of this organization, which was known as the "Christian Club." Only voters were admitted to it, and it included nearly all the borough electors. Each member entered into a bond for five hundred pounds and took a formal oath of secrecy. As a cloak to their corruption they also entered into articles for raising money for charitable purposes, whence the name of the club. Regular monthly meetings were held of which the principal purpose was what they called "burgessing business," in other words discussion of the financial capacity of various candidates. Whenever there was a vacancy in the representation of the borough, the club appointed a committee to treat with the candidates for the purchase of the seat, which was instructed to "get the best money and make the best bargain" they could. The members of the committee which did the business refrained from voting themselves as a measure of precaution, and the day before polling the society would be declared dissolved, but only to resume meetings again after the election.

A quaint figure of election scenes was "Punch," the traditional agent for distributing illicit rewards. It seems that in the Shaftesbury election of 1774 persons who were offering the bribes, many of them magistrates of the town, concealed an agent in the fantastic disguise of

"Punch," who delivered to the voters through a hole in a door, their parcels of twenty guineas. The custom was initiated in other boroughs, and "Punch" became a familiar figure at most elections in the larger boroughs. Later, in the nineteenth century, he assumed the name and character of "The Man in the Moon."

Frequently, however, no effort was made to hide the bribery that went on. Tom Duncombe, himself a Radical Reformer, was willing to admit frankly that he could secure his election at Hertford in 1826 only "by bribing handsomely." At Liverpool, in 1830, placards were posted in the streets, which publicly urged the voters to come and get their money. It was said that a hundred thousand pounds was spent in bribery on this occasion. The price of individual votes varied from fifteen to a hundred pounds, rising and falling like stock on the market as the demand increased or slackened. Three pilots, who arrived from the sea on the last morning of polling, each received a hundred and fifty pounds for their votes.

Besides the money spent in direct bribery the candidates must dip deep in their purses for the entertainment of electors, for wholesale treating was equally necessary to the acquisition of votes. At the "Spendthrift Election" of 1768 at Northampton, where the Earls of Halifax, Northampton, and Spencer pitted their nominees against each other, the noble peers threw open their ancestral halls to all classes and gave to them the freedom of the wine-cellars. The popular taste pronounced against the Earl of Halifax, for his port, unfortunately, was soon consumed, and he had to put before the crowd his priceless claret; this the mob found too sour and they left him in a body. The reformer Wilberforce, in standing for Hull, must entertain his constituents at midnight suppers, and

we read of his taking three hundred of them, who lived in London, to a waterside public-house at Wapping. Viscount Vane, in the election of 1734, sent down to his seat in Kent, two hogsheads of French brandy, together with sixty dozen of knives and forks, in readiness for the hospitality which he planned to offer the freeholder electors.

Not less efficacious, if we are to believe the letters and memoirs of the day, was the flattery exercised by peers and even by peeresses during the canvass, a method which Wharton had found worth while. Electors were visited, their ailments and worries sympathized with, their children praised by the noble canvassers. The most notable instance of such canvassing occurred in 1784 when Fox was contesting Westminster with Sir Cecil Wray. The great Whig statesman had fallen behind during the earlier stages of the poll, when there came to his assistance the most active and successful of canvassers, Georgiana Spencer, Duchess of Devonshire. The charms of the duchess baffle the descriptive powers of the writers of the day; as Hannay said, the Spencers had laid the world under still further obligations by producing a second "Fairy Queen." These charms she was not unwilling to utilize for electoral purposes.

An eye-witness relates how "the Duchess of Devonshire restored the fates of the Whig champion. . . . The entire of the voters for Westminster being exhausted, the only hope was in exciting the suburbs. The Duchess instantly ordered out her equipage, and with her sister, the Countess of Duncannon, drove, polling list in hand, to the houses of the voters. Entreaties, ridicule, civilities, influence of all kinds were lavished on these rough legislators; and the novelty of being solicited by two women

Hogarth

Canvassing for Votes

of rank and remarkable fashion, took the popular taste universally. The immediate result was that they gallantly came to the poll, and Fox, who had been a hundred behind Sir Cecil, speedily left him a hundred behind in turn. An imperfect attempt was made on the hostile side to oppose this new species of warfare by similar captivation, and Lady Salisbury was moved to awake the dying fortunes of the Government candidate. But the effort failed; it was imitation, it was too late; and the Duchess was six and twenty and Lady Salisbury thirty-four! These are reasons enough and more than enough for the rejection of any man from the hustings."

This canvass, in which the fascinating Lady Carlisle, and the "fat and fair" Mrs. Hobart, ungallantly nicknamed "Madame Blubber," also took part, was fully chronicled by the poets and correspondents:

"'Twas Venus in disguise, 'tis said,
These efforts through the town displayed,
And hers alone the blame.
Than beauty's force and mighty pow'r,
Than charms exerted ev'ry hour,
What greater cause of fear?
Firm resolution melts away,
At Beauty's so superior sway,
And falsehood seems as fair.
The heart that still retained Love's fire,
Unchill'd by age, warm with desire,
Could not resist their sway;
'Twas this rais'd Fox's numbers higher,
This did the tardy votes inspire—
Ah! poor Sir Cecil Wray."

Walpole writes of this electoral campaign: "During her canvass, the Duchess made no scruple of visiting the humblest of electors, dazzling and enchanting them by the fascination of her beauty, and the influence of her

high rank, and sometimes carrying off to the hustings the meanest mechanic in her own carriage." It was asserted, and generally believed, that the adorable peeress had won the vote of an obdurate butcher by means of a kiss, an incident which inspired verses less flattering than the preceding:

> "See modest Duchesses, no longer nice
> In virtue's honor, haunt the sinks of vice;
> In Freedom's cause, the guilty bribe betray:
> Seduced by Devon and the Paphian crew,
> What cannot Venus and the Graces do?
> Devon, not Fox obtains the glorious prize,
> Not public merit, but resistless eyes."

Flattery and seduction of voters were naturally accompanied by threats and intimidation, if the voters proved recalcitrant. Tenants must vote as their landlords bade them or face eviction. A voter of Westminster who believed that the phrase "independent elector" might be construed literally and that he might vote as he liked, was quickly disabused. He received at once a curt note from his landlord, the Duke of Bedford, giving him the choice of leaving his house or paying double rent: "I hereby give you Notice that you are to quit the house you rent of his Grace the Duke of Bedford, situate in Bedford Street, in the Parish of St. Paul, Covent Garden, at Lady-Day next, or to pay his Grace, Seventy-two pounds a year for the same from that time."

When bribes, flattery, and intimidation did not seem sufficient for electoral success, violence of various kinds was employed. In the earlier days much of this was simply the natural unorganized ebullition of mob-spirit, enjoying the excitement of election time. Swift writes in the "Journal of Stella," in 1710: "This morning Delaval

came to see me, and we went to Kneller's who was in town. On the way we met the electors for parliament-men, and the rabble came about our coach, crying, 'A Colt! A Stanhope! etc.' We were afraid of a dead cat or our glasses broken, and so we were always of their side."

Later the candidates began to organize violent methods. In the election of 1741 the ministerial candidates for Westminster, Sir Charles Wager and Lord Sundon, were some few votes in the lead, but their opponents were believed to have many electors as yet unpolled who would turn the tide. Lord Sundon then appealed to armed intervention, and, supported by the Government's patronage, succeeded in having the polls forcibly closed and a body of grenadiers ordered to guard the hustings and prevent further voting.

Twenty-five years later the use of violence seems to have become a recognized electoral maneuver, and the elections in the larger constituencies were characterized by hosts of hired ruffians and bludgeon-men. At Brentford, in 1768, both parties seemed to have resorted to terrorism; the object of the riot was to put an end to the polling if the election should seem to be going against the candidate for whom the bludgeon-men acted. On this occasion it was said by the opponents of the Court candidate, a Mr. Proctor, that when his supporters had all voted and his adversary's adherents were still in large part unpolled, he had given a certain signal, upon which an instantaneous, furious, but organized attack was made upon the hustings. "The sheriffs, the candidates, . . . the clerks, and the poll-books, all vanished in a moment."

The deposition of a witness called to testify later, illustrates the spirit in which such election contests were

indulged in: "Atkinson Bush maketh oath that he was at Brentford on the day of the election, and seeing a large body of men with labels in their hats, whereon was written, 'Proctor and Liberty,' this deponent asked them whether they were all voters for Proctor? Upon which they declared they had no votes, but had in their hands what was as good, and showed him their bludgeons; and being asked who they supposed would get the election, they replied, Proctor, swearing if Glynn got the advantage, 'By G——, we will have his blood!'" Broughton, the famous pugilist, found his strength and skill much in demand at election time and at Brentford was selected as general of the roughs.

It is not surprising that such electoral tactics often resulted seriously, and on this occasion the victim was a young man who was watching proceedings, and whose skull was apparently fractured by a blow from a bludgeon. Two chairmen were declared guilty of his death, but as usual Court influence secured a pardon for them. As the bludgeon-men were acting for the Court candidate, it was necessary to quiet the matter, so that the College of Surgeons sitting secretly, later decided that the blow was not the cause of the young man's death. A satirical print of the time shows the surgeons in consultation. The president, holding up a money bag, says: "This convinces me that Clarke did not die of the wound he received at Brentford." A Scotch surgeon remarks, "By my Soul, his head was too thick to be broken, or he would ne'er ha' gang'd to Brentford." A third, looking at the money declares, "Another such bag would convince me Clarke never received any blow."

Westminster and Middlesex were generally the constituencies which saw the fiercest conflicts. The same

election in which the Duchess of Devonshire exercised her charms so successfully was marked by bitter and bloody contests between the masculine adherents of the two parties. Admiral Hood, who was standing with Sir Cecil Wray against Fox, had a large contingent of ruffians dressed as sailors who surrounded the hustings and intimidated the Fox voters. The sailor mob then encountered the rival contingent, called by the Whig papers the "honest Mob" and which was chiefly composed of hired Irishmen. A series of real pitched battles ensued, in which the Irish, supported by butcher and brewer boys, ultimately defeated the sailors. The constables vainly tried to quell the riot, which resulted in some fractured heads, and the death of a policeman.

A really quiet election was rare in the larger boroughs and apparently even the smaller constituencies had their excitement. We read of the Sudbury election of 1780, that "there was some tumult during part of the poll, but it was . . . a very peaceable election." An ordinary election must have been indeed turbulent, when one admittedly tumultuous in part could be described as "very peaceable."

Tricks as well as force were also employed, from the days when elections were closely contested. Evelyn writes April 8, 1685: "This day my brother of Wootton and Mr. Onslow were candidates for Surrey against Sir Adam Brown and my cousin Sir Edward Evelyn, and were circumvented in their election by a trick of the Sheriff's, taking advantage of my brother's party going out of the small village of Leatherhead to seek shelter and lodging, the afternoon being tempestuous, proceeding to the election when they were gone, they expecting the

next morning; whereas before and then, they exceeded the other party by many hundreds, as I am assured."

Later it became a generally accepted stratagem to get voters locked up on some fictitious pretense or subpœnaed as witness in some trial during the polling. At Brentford a large number of freeholders were summoned as jurymen. Non-resident voters going down from London to their constituency to vote, often found it difficult to reach their destination. It was said that when the Berwick freemen "were going down by sea, the skippers to whose tender mercy they were committed, used to be bribed, and have been known in consequence to carry them over to Norway." More than once Ipswich freemen found themselves in Holland, and a cargo of Newcastle freemen was once carried to Ostend, where they remained until the election was over.

Thus in the large constituencies as in the small boroughs the voice of the people can hardly be said to have been truly expressed. In the latter, the borough patrons exercised their power of nomination without restraint. In the former, the choice of a representative depended upon the amount of money expended and the tricks of the electioneer. Once the candidate was elected he thought little of his constituents or their interest; he had in reality bought the seat from them, and paid for it with gold and flattery. The verses under a well-known caricature of 1727 indicate that this attitude of members towards constituents was realized and resented:

"The Laws against Bribery provision may make,
Yet means will be found both to give and to take;
While charms are in flattery and power in gold,
Men will be corrupted and Liberty sold.
When a candidate interest is making for votes,
How cringing he seems to the arrantest sots!

'Dear Sir, how d'ye do? I am joyful to see ye!
How fares your good spouse? and how goes the world wi' ye?
Can I serve you in anything? Faith, Sir, I'll do't,
If ye'll be so kind as to give me your vote.
Pray do me the honor an evening to pass
In smoking a pipe and taking a glass!'
Away to the tavern they quickly retire,
The plowman's Hail-fellow-well-met with the Squire,
Of his company proud, he 'huzzas' and he drinks,
And himself a great man of importance he thinks:
He struts with the gold newly put in his breeches,
And dreams of vast favors and mountains of riches.
But as soon as the day of election is over,
His woeful mistake he begins to discover.
The Squire is a member—the rustic who chose him
Is now quite neglected—he no longer knows him.
Then Britons! betray not a sordid vile spirit,
Contemn gilded baits, and elect men of merit."

Since the members had obtained their places by purchase or favor, their gratitude was due merely to themselves, or to their patrons. A doggerel rhyme of the later seventeenth century shows what was thought and sometimes said of the persons who were supposed to represent the people:

"Curse on such representatives!
They sell us all, our bairns and wives,
(Quoth Dick, with indignation);
They are but engines to raise tax,
And the whole business of their acts
Is to undo the nation."

The popular conception of the stupidity and venality of an eighteenth century member of Parliament is given in the satirical "Dissection of a Dead Member." Parts of it are as follows: "1st Doctor: 'The brain is very foul and muddy. . . .' 2nd Doctor: 'Ay, ay, he knocked his head too hard against politics and brusified his pericranium. He was bred a Foxhunter.' 3rd Doc-

tor: 'The *Vena Cava* of the Thorax makes a noise, and sounds as if one should say, "My country be damn'd," and his intestines have got, I think 'tis "Bribery," wrote on them. . . .' 4th Doctor: 'Bribery . . . ay, 'twas a diet he was fond of, 'twas his Breakfast, Dinner and Supper, and affected all the corpuscles of his corporeal system.' "

One very obvious difficulty which stood in the way of electing men to Parliament who would take care of the popular interests was the expense involved in candidature. A constituency even if it was free from a patron was forced to choose generally between two men of whom neither was wanted. The cost of winning an election was such that the candidate must usually seek support, either from the Government or from one of the Whig or Tory magnates. To those who backed his campaign he was thenceforth responsible, rather than to the nominal electors. There was no possibility, except in rare instances, of a man of only moderate fortune, securing a seat, and an actual representative of the working classes was out of the question.

We have no statistics telling us exactly the amount spent in elections previous to 1832, but there can be no doubt but that in the larger constituencies a contest was often ruinously expensive. All the hangers-on of each party must be remunerated. A caricature of 1788 shows the kind of expense involved in the rough-and-ready borough conflicts; the artist makes three bullies of the Guards come up with bloody bayonets, as proof of their activities and demand payment for "the attack in Bow Street"; an inn-keeper presents an enormous score for lavish entertainment; a cobbler has a bill for "voting three times" as an "independent elector"; a body of ruf-

Hogarth

The Polling Booth

fians dressed as sailors and armed with bludgeons, ask settlement for "kicking up a row"; and a Jew clothesman is demanding money for perjury.

To such items must be added the cost of the canvassing, which, as in the case of Brentford, in 1768, often lasted six months; also all the smaller accessories, such as ribbons and favors, which in the latter instance amounted to four hundred pounds. Furthermore, and doubtless it was the heaviest item of the entire business, there must be faced the demands of the election agent for gold to bribe with. Wilberforce in standing for Hull was quickly disabused of the notion that he could get the election without bribery. "By long established custom," he wrote, "the single vote of a resident elector was rewarded with a donation of two guineas; four were paid for a plumper, and the expenses of a freeman's journey from London averaged £10 apiece." At this election he admitted spending between eight and nine thousand pounds.

Extraordinary items sometimes swelled the cost of candidacy, as in the case of Sir Francis Delaval, whose agent presented the following bill in the King's Court: "To being thrown out of the George Inn, Andover; to my legs being thereby broken; to surgeon's bill, and loss of time and business; all in the service of Sir F. B. Delaval . . . £500." It appeared that the agent had sought to win the favor of the mayor and corporation by getting them an invitation to dine with the regiment quartered in the town. The best means of securing such an invitation seemed to be to forge it, which he did, but was at the same time forced to forge an invitation from the mayor to the regiment. At the banquet, which was a jolly affair, the trick was exposed; the agent was unable to deny the double forgery, and was seized by the colonel

and hurled out of the window. Hence the bill for damages.

The "Spendthrift Election" of 1768 at Northampton doubtless exceeded the average in the amount of money squandered. Lord Spencer, who won the right to nominate his candidate, is said to have spent no less than a hundred thousand pounds; while his unsuccessful antagonists are believed to have wasted one hundred and fifty thousand pounds apiece. One of them, Lord Halifax, was ruined; Lord Northampton, the other, was forced to cut down his trees, sell them for timber, dispose of his furniture, and live abroad. Forty years later took place the famous Yorkshire election, known as the "Austerlitz of Electioneering," which is said to be the most expensive contest ever waged, costing the three candidates approximately half a million pounds.

The great county contests were naturally the most expensive, but candidacy for a borough involved heavy sums. At Maidstone, in 1796, Christopher Hull is said to have spent £3,000 in about three hours. This heavy outlay proved unavailing, for Hull stood last on the list of candidates and he was told that "the present would be considered as nothing more than electioneering experience." A contested election in Durham City cost the young Lambton thirty thousand pounds, and no less than fifty thousand was spent by a candidate for Liverpool.

A hundred characteristics of the electoral system thus helped to keep the aristocracy in power. The suffrage was restricted and uneven. The distribution of seats left the majority in the House of Commons elected by the small boroughs, in which the borough patrons wielded their power of nomination unopposed, and which therefore invariably represented the interests of the upper

classes. In the larger constituencies the elections belonged to those who would spend the most upon bribery, treating, and the employment of violence. An independent elector was rare; an independent member was practically unheard of. The few cases in which the untrammeled choice of the people was allowed to manifest itself only emphasized the more strongly the separation of government from the middle and lower classes, which was believed by many to be accountable for the social and economic misery of the first years of the nineteenth century.

It is true that despite the vices of the electoral system, the British political constitution had proved itself one of solid foundations and the government of Britain had won the admiration of the world for its strength and stability. Many agreed with Burke, who wrote: "Our representation has been found perfectly adequate to all the purposes for which a representation of the people can be desired or devised. I defy the enemies of our country to say the contrary." He, with many others, failed to see how any form of government could be maintained except by the employment of the electoral methods of the century. And even such a distinguished historian and parliamentary expert as Sir Courtney Ilbert, in our own day, has written, "The ruling class of the eighteenth century were coarse and corrupt, but they were capable and courageous. They made great blunders, they were blind and indifferent to great evils, but they weathered terrible storms."

A continuation of their power was, however, rendered impossible by the spreading influence of the industrial revolution, the growth of a middle class, and the effects of the great crusade for political liberty which the French attempted to carry on after the overthrow of their ancient

régime. When the revolutionary and Napoleonic storms were passed, Great Britain was ripe for a vast change in her political system which should bring actual power into the hands of the people. In the process which resulted in that change, the reform of the electoral system assumed a place of the first importance.

Hogarth

Chairing the Members

CHAPTER VI

THE ADVENT OF DEMOCRACY IN BRITISH ELECTIONS

The factors which we have been discussing and which gave to the aristocracy in all election contests a control that was almost invariably supreme, were not allowed to exist without criticism. Statesmen, philosophers, and men of business had all protested against the anomalies of the electoral system as well as against the practical injustice of its results. But the demand for electoral reform was without result until the fourth decade of the nineteenth century, and the character of the system remained unchanged until 1832.

Its absurdities had been the object of attack by the philosopher Locke, so far back as 1690. Thereafter we find sporadic outbursts of reform ideas, but it was not until the latter part of the eighteenth century that the movement for a more logical system became one of political importance. We have seen that the industrial revolution, which led to the rise and extension of a manufacturing middle class, and to the growth of the industrial towns of the Midlands and North, vastly accentuated the anomalies of the electoral organization. The inventions of Watts and Arkwright did much to accelerate the movement for granting political power to this new class. And about 1780 the manufacturers began to complain of the unfair distribution of seats which gave to the aristocratic landowners and the commercial millionaires complete control of the House of Commons.

The demand for change was taken up by philosophic writers and soon by various politicians, many of whom had themselves entered Parliament through the convenient door of the rotten borough. Statesmen such as the elder Pitt and demagogues of the type of John Wilkes advanced schemes of reform; and in 1781 Charles James Fox consented to preside over a gigantic mass meeting, held under the auspices of the Society for Constitutional Information, which drew up radical proposals including amongst other items, the demand for universal manhood suffrage, equal electoral districts, secret voting, and the payment of members of Parliament. Fox, however, despite his brilliance and popularity, was likely to prove a less valuable advocate of electoral reform than the younger Pitt, who as Prime Minister in 1785 was master of the political situation, and who, despite the fact that he had entered the Commons as one of Lowther's nominees, declared himself in favor of an attack upon the system of nomination. Under his supervision there were introduced rather anæmic bills in the Commons which provided for the abolition of a few rotten boroughs and the granting of some representation to the new industrial towns.

Such reform might have been carried through successfully, had the great revolutionary movement on the Continent assumed a different character. Pitt was opposed by the aristocrats and by many influential statesmen, amongst them Burke, who did not fear to assert that "the virtue, the spirit, the essence of the House of Commons consists in its being the express image of the nation." But the political power of the Prime Minister would doubtless have sufficed to disarm the selfish or overprudent opposition, had not the French Revolution and the

excesses of the Reign of Terror discredited in England all movements of reform, even those of the most limited character.

Despite the activity of liberal societies, such as the Society of the Friends of the People, which attracted even the aristocratic reformer, Earl Grey, the reaction in feeling continued until after the close of the Napoleonic wars. With the settlement of the peace of Europe, domestic questions were again brought under consideration and formed the subject of great agitation. Amongst these questions that of electoral reform seemed one of the most important. Social and industrial discontent was spreading and not a few persons asserted that it could not be satisfactorily allayed until the House of Commons was brought into closer touch with the nation by making it more truly representative. The chief demands of the moderate reformers comprised the abolition of rotten boroughs, the representation in Parliament of the industrial towns, and the extension of the franchise. Such reforms, besides being entirely consonant with liberal policy, would do away with or at least lessen the evils of the system of nomination, which permitted the wealthy land-owners to appoint their nominees to seats in the House of Commons or to sell seats to the highest bidder.

Once again a scion of an aristocratic family, Lord John Russell, identified himself with the reformers. At first the movement was hardly considered within the realm of practical politics, but gradually Russell succeeded in having passed some minor reforms. The force of public opinion in favor of the change increased. Finally in 1830, when the July Revolution in France drove the last Bourbon king into exile, popular spirit became so

inflamed in England that the issue lay plainly between solid reform and revolution.

Against this tide the Prime Minister, the Duke of Wellington, set himself like a rock. The existing system, he said, was not merely satisfactory, but if he were called upon to create a new one, while he did not suppose that one could be devised which was so nearly perfect, he would do his utmost to imitate it as exactly as possible. This statement did much for reform, for it paved the way for the resignation of Wellington and the accession to office of a ministry composed of moderate reformers. The demand for reform in the country was so strong that it was impossible for a man so obviously out of touch with the realities of the political situation as the victor of Waterloo to remain in office. To have kept him there would have been to court rebellion.

The new ministry was led by the veteran reformer, Earl Grey, and included for the most part members of the great landholding families, who were none the less sincere in their desire to accomplish real and satisfactory reform. The bill which they introduced in 1831 was passed only with the greatest difficulty. The House of Commons had to be dissolved and a new one elected; the House of Lords, frankly opposed to all reform, did not fear to reject the proposals of the cabinet; it needed monster demonstrations on the part of the people, threats of an attack upon the credit of the City and of active revolt, the King's promise to create enough new peers to swamp the House of Lords, and finally the surrender of Wellington himself, to persuade the upper House to allow the Reform Bill to go through. In June, 1832, it was passed by both Houses and received the royal assent.

The Reform Act of 1832 cracked the power of the aris-

tocracy in elections in two ways: First by a redistribution of seats. Fifty-six of the least important boroughs lost their individual representation in the House of Commons and were merged in the surrounding county constituencies. Thirty other boroughs were deprived of one member apiece. These disfranchised boroughs were almost without exception of the "rotten" or "pocket" variety, in each of which the electoral influence of an aristocratic or plutocratic patron had been complete. The seats thus rendered available were given to the more populous industrial districts. Sixty-five went to the larger towns, of which Manchester, Birmingham, Leeds, and Sheffield had hitherto possessed no individual representation. Sixty-five were given to the more industrial counties. The remaining thirteen went to Scotland and Ireland.

The system of nomination was attacked in another way, for a new electoral franchise was introduced which increased the number of voters and thus made it more difficult for any electoral patron to control them. In boroughs the new franchise gave the vote to all householders who owned or rented a building worth ten pounds a year. In the county constituencies the Reform Act enfranchised tenants-at-will of land worth fifty pounds a year and copyholders or leaseholders of land worth ten pounds a year. The old freehold qualifications for county voters was left undisturbed; but all the old borough franchises, except that of the freemen, were abolished, although existing electors might continue to exercise their qualifications during their lives. For the first time in British electoral history a system of registration was introduced. Before being recognized as a voter, a qualified person must prove his qualification and have his name entered upon the electoral lists.

To the leading politicians of the day there is little doubt but that the Reform Act seemed like a constitutional revolution. The Tories did not spare their prognostications of the anarchy that was sure to follow and even some of the reformers feared the disastrous effects of what they regarded as the new democracy. The Radicals, however, and the working-class leaders looked upon the reform as merely the first step. The latter felt that the advantage won was purely in the interests of the middle class and they looked forward to a further extension of the franchise which would make the electoral system really democratic. Francis Place, who understood and sympathized with the democratic reformers, believed that the new franchises were important not so much for themselves as for what they promised for the future; they were, he said, the "commencement of the breaking up of the old rotten system."

It is with this estimate that the opinion of posterity will probably concur. The Reform Act did not bring electoral power into the hands of the democracy; it did not even break the control of the middle classes. But, as Mill put it, it did break the spell that had kept men bound to the fear of change, and although the democratic tide rose slowly, it proved, after 1832, to be irresistible.

One reason why the Reform Act did not prove to have results immediately favorable to democracy, was that the new franchises did not increase the total electorate nearly as much as had been generally anticipated, either by the friends or the foes of parliamentary reform. Lord John Russell had estimated that the electorate would be doubled; but as a matter of fact the net increase in the number of electors in England and Wales was only some 200,000, or a gain of about fifty per cent.

In some constituencies the Reform Act made practically no change. This was especially true of the counties where the majority of the electors proved to be the old freeholders of unreformed days. Even where the new voters were most numerous, the alteration did not always favor the interests of the democracy for these electors were completely under the control of the landed aristocracy. Wherever the new tenant electors held the balance of electoral power, the sway of the aristocratic families, whether Whig or Tory, was practically unbroken. In this respect, it is fair to say that the Reform Act was rather adverse to democratic interests.

In the boroughs, the new voters were proportionately more numerous than in the counties, although the net increase in the number of electors was no greater, owing to the disfranchisement of many of the working classes. During the years which followed the Reform Act the number of borough electors increased rapidly; by 1865 they numbered over half a million; the proportion of ancient right voters grew steadily less, on the other hand, so that by 1865 the new ten pound householder electors formed ninety per cent of the total borough electorate. It was for the most part a middle class electorate. The artizans lost electoral power as a result of the increase of ten pound householder voters. Before 1832 the working classes probably formed more than half of the borough electorate; but after 1832 they were outnumbered two to one at least. Gladstone estimated later that in pre-reform days the artizans held the majority in sixty-five boroughs and thus controlled or could control one hundred and thirty seats in the House of Commons. But in 1866 there was a majority of working-class voters in only eight boroughs.

Hence the new franchises not only did not give full electoral power to the democracy but in certain respects actually decreased the weight of working class influence in elections. It has generally been assumed that it was the middle class which profited exclusively thereby. But in reality most of their gain was theoretical. The aristocracy and plutocracy still retained the greater part of their electoral influence.

An important factor making for the continuation of upper-class power in elections was the distribution of seats. The Reform Act had disfranchised a large number of the smallest boroughs, where the landed and commercial aristocracy had ruled supreme in elections, and it had enfranchised some of the populous and rich industrial centers. But there remained numerous small rural boroughs, through the control of which the upper classes continued to return a large majority of the House of Commons. The reformers had not attempted to apportion seats according to a strict rule of population. The sparsely settled agricultural districts were invariably at a great representative advantage, thus giving the landed interests dominating control in the majority of elections. The great industrial centers of the Northwest, in Lancashire and the West Riding of Yorkshire, received no more representation than the thinly populated boroughs of the South.

Honiton, a village in Devon with about three thousand inhabitants, had still as much voice in the House of Commons as Liverpool with its four hundred thousand. Five manufacturing towns, with an aggregate population of a million and a half, sent no more members to the Commons than did the same number of agricultural boroughs with an aggregate population of twenty-two thousand.

Forty rural boroughs with an aggregate population of about two hundred thousand returned sixty-four representatives, while Birmingham with three hundred thousand inhabitants returned only two members. The representatives of fifty-one large towns with an aggregate population of more than five millions, could be offset in a division of the House of Commons by the representatives of less than half a million persons living in the small boroughs.

Such a distribution of seats was obviously undemocratic in two directions. In the first place, it was contrary to the democratic principle that each vote should have the same value. In some of the constituencies it took only a hundred votes to elect a member, in others it took a thousand, and in others ten thousand. Democracy rests upon equality, and the inequality of the distribution of seats gave the inhabitants of certain districts an enormous representative advantage over persons living elsewhere. The distribution of seats was undemocratic for another reason, for it secured control of the House of Commons to the landed magnates. The greater number of the small boroughs, which returned a majority of the House of Commons, were controlled by the landlords. The voters in these constituencies did not dare oppose the wishes of those who could evict them from their houses or ruin them financially; they were forced to vote *viva voce,* so that every one knew how their votes were cast; they were unable to resist the temptation frequently offered them, either in the shape of money bribes, food and drink, or offers of employment and assistance.

The wealthy classes did not scruple to maintain their power in elections by a liberal use of gold. Their agents made use of a variety of methods, and found the new

electors quite as susceptible to corrupt influence as had been the freemen of unreformed days. There were, in truth, added inducements for the use of money in elections since the passing of the Reform Act. In the old days the aristocracy had complete control of their boroughs and sold them as they would any other kind of property. But now, with an increased electorate, the patrons must buy, where they had formerly commanded.

The form in which votes were bought, varied. In many boroughs it was a straight cash transaction. At Stafford, as the poll progressed, the price rose like stock on the market, if the election was close. At Canterbury, each voter was allowed to name two friends to whom he furnished tickets which authorized them to collect the money paid for his vote. At Liverpool, tickets were issued to the voters, which on their face entitled the bearer to a cask of beer; they were as good as currency and could be exchanged at the brewers' for cash. At Bristol the Conservative agents carried on bribery through the distribution of pieces of beef, which because of the Conservative color was known as "blue-beef." At Leicester, when the election was imminent, each party opened public-houses in the neighborhood, where they entertained the voters lavishly. On the day of election the electors were sedulously kept in the tap-room, until, in the language of the time, they were "pretty well corned." Carriages were sent to take them to the poll, "in greater part so drunk that they had difficulty in expressing their choice." They received tickets before they cast their votes, which were exchanged for money afterwards if they voted the right way.

At Cambridge a boss system was established, by which the political manager, Sam Long, was able to control the

elections as certainly as any American municipal organization of more recent times. Elections were closely contested at Cambridge, so that the balance of power lay in the hands of a hundred odd electors. These voters were on Long's books, and were freely subsidized for their suffrages.

Indirect bribery and the donation of gifts formed other methods by which the election agents of the wealthy classes managed to control elections in many boroughs. It was the custom to distribute what was known as "head-money" or "basket-money," which was simply the gift of one or two guineas to each voter by the candidate. As no bargain was made, it hardly came under the category of bribery, but it often proved quite as efficacious. The simplest method of indirect bribery was to hire electors to serve on sinecure committees, where they had no work to do, but would receive high wages. In some boroughs, practically all the voters were on the party committees and received five shillings or more a day, without doing any work. The position of messenger was a desirable one, for it brought in five shillings a day, and notwithstanding its title, did not mean that the bearer must run errands. When Gladstone stood for Newark, in 1832, a band composed of voters played without intermission for extravagant wages.

All such methods were simply a cloak for covering up what was practically the purchase of a poor man's vote by the wealthy candidate. Almost invariably they were accompanied and complemented by an inordinate amount of treating to food and drink, the effect of which upon the general morality of the electorate was naturally degrading. In some boroughs, the poorer classes were in a state of intoxication during the entire polling, and the

hospitals were filled with voters recovering from the effects of debauchery or drunken fights. In one small public house, which catered to only a small portion of the constituency, the items of elections' service included 285 glasses of brandy, 302 glasses of gin, 156 glasses of rum, and 80 gallons of ale.

Purchase of votes, whether by cash or drink, was supplemented by the exercise of corrupt influence, of the kind which the wealthier classes can always bring to bear. The new voters in the boroughs were largely dependent upon the trade and custom of the upper classes, while the tenants in the counties ran the risk of eviction if they opposed the wishes of their landlords. The vote of the tenant was, in all cases, looked upon as the chattel of the landlord, in which he had the right to deal and of which he might dispose.

In South Cheshire the landlords brought their tenants up to the poll to vote, "just like well-drilled soldiers." In another constituency, the landlord feared that his tenants might vote against his wishes; he accordingly brought them all to his castle and immured them there to prevent their voting. When Gladstone tried to obtain the votes of the tenants of Lord Westminster without asking the peer's permission, he found that he was infringing electoral etiquette. Sometimes an estate changed hands and a Conservative landlord would be replaced by a Liberal. Immediately all the votes of the tenants would be cast on the opposite side to that for which they had been accustomed to vote. In 1841 the Duke of Leeds died, and no one knew the political opinions of his successor. For weeks his tenants were in doubt as to how they would be commanded to vote. One morning a farmer arrived in

town and announced, "Well, we have got our orders at last, we are all to be yellows this time."

All the landlords considered it well within their rights to force their tenants to vote as they themselves wished. At Harwich a landlord always included in the lease the condition that the tenants should vote as he commanded. At Hertford the Marquis of Salisbury forced his tenants to sign bonds that they would give up their tenements at a fortnight's notice, so that he could evict them if they crossed his wishes at election time. When Tom Duncombe, the fashionable but radical reformer, fought an election at Hereford, he spent forty thousand pounds, chiefly in finding new homes for the tenants whom the noble marquis had ejected. A conscientious steward once said that he would not be doing his duty to his employer if he did not secure the votes of the tenants, under threat of expulsion.

The election agents systematized this method of electoral intimidation, and kept minute notes of the private circumstances of the voters, so that they could use any personal embarrassment as a club at election time. Debts, mortgages, need of money in trade, commercial relations, the most private domestic matters were ferreted out, to be used as political blackmail. An example of such notes was once read in the House of Commons and throws light on the methods of the election agents: "Mr. So-and-so: See this man, he works for So-and-so; has borrowed money on a bill, see the attorney; is a publican, behindhand with his brewer; has borrowed money on a mortgage, find out the mortgagee."

In the industrial towns the votes of workingmen were to a large extent controlled by their employers, and we find many instances where workmen lost their jobs be-

cause they voted contrary to their masters' wishes, or where they voted differently at two successive elections when they had secured a new employer whose political opinions differed from those of their former one. When business was dull and jobs scarce, the influence of the master employers was generally supreme. The screws were also put upon the tradespeople in such a way as to force them to respect their customers' political affiliations. We read of a reverend archbishop who refused to deal with his butcher because he had voted for the Liberal candidate. In the university towns, the lodging-house keepers must vote as the College deans told them, or they would not be allowed to let their rooms to undergraduates.

In Cambridge there was a classified list of all tradesmen, stating the political opinions of each grocer or butcher or baker; those tradesmen who voted for the wrong candidate could thus be avoided, and custom awarded to their rivals on the opposite political side. In Birmingham, the shopkeepers who voted for the Conservative candidate, found the next morning that a cross had been chalked on their doors, warning all Liberals not to enter their shop.

Sometimes this social and economic method of intimidation developed into actual physical violence, and cases of drugging and abduction were not rare at election time. At Lewes, it was found necessary to put the town in a state of siege to prevent the carrying off and imprisonment of electors; in 1837, upwards of five hundred pounds was spent in watching the roads for a week before the poll. At Coventry a mob of two thousand roughs were said to have been engaged as bullies to intimidate all who wanted to vote against the Liberal candidates. They re-

ceived five shillings a day, and had orders to "beat the electors roundly and leave them alive, but hardly." One of them later said: "Whenever I saw any of the voters near the booths, I dragged them by the hair . . . we kicked and beat them as long as we liked, and then the constables came and took them away; they dared not interfere before."

Many attempts were made by the House of Commons to put a stop to intimidation and corrupt practices in general, but with slight success. In 1854 an Act was passed which defined bribery and the other methods of electoral corruption, laid down stringent penalties, and enacted that all money expended by candidates in their electioneering campaigns should be strictly accounted for.

But this legislation, while it may have mitigated some of the worst practices, failed to eliminate corrupt influence at elections. In some boroughs the system of corruption actually became better organized, and the office of election agent, whose business it was to win an election by fair means or foul, developed into a regular profession. Investigations in the sixties and early seventies showed that in certain quarters bribery was as bad as ever. In some boroughs the electoral agent was frankly known as bribe-agent, and gave up most of his time between elections to forming and maintaining a corrupt organization.

In such boroughs the campaign began with the canvass, when the sub-agents went around among the voters to ask their political opinions; the electors were apt to demand and receive retaining-fees of a guinea or so to prove the candidate's good will. "I asked for their votes," said one canvasser, "but you might as well ask for their lives, unless you had money to give them." The popular candidate was the man who promised the largest bribe and

was known as "Mr. Most." The bribe-agent was cashier and organizer when the election began. He would divide the constituency into districts over each of which he appointed a captain, who in turn appointed his sub-captains, who were to take charge of particular streets or families. There were also the assistants who mingled and drank with the voters. One party once had an official known as "fuddler," whose duty it was to keep his pockets filled with small change, to be used in buying drinks for voters whom he might meet on the street.

Frequently the bribing was perfectly open, and the agents would go out into the market-place, where the voters were waiting for the highest bidder. Sometimes the agents of the two parties would enter into frank competition for the purchase of votes, and encounters and fisticuffs were by no means rare. In general, some sort of superficial concealment was attempted. A stranger from another constituency would be imported to play the part of what was known as "the man in the moon," and distribute the money bribes. The voters might receive their money in a darkened room, or through a broken window. On one occasion the electors, on being invited to breakfast on the morning of polling day, discovered thirty shillings under each coffee cup.

Corruption of such a kind would have been impossible had it not been regarded as rather a trivial offense against morality, and it is surprising to see the good-nature with which it was winked at by individuals of all classes. The voters themselves did not, as a rule, consider it degrading to receive a bribe. They looked upon their suffrage as a marketable commodity, for which they were entitled to receive all that it was worth. They regarded it as an unmerited misfortune when there was no contest in an

The Middlesex Election, 1804

Gillray

election which would force the candidates to bid against each other for the voters' favor. Once a tradesman was asked what sort of an election they had had. "Oh, very bad," was the reply, "we failed to get a good third man, and without one, elections do no good to the town." Another borough was once in fear that the good old custom of bribery was about to fall into disuse, and therefore attempted to advertise for an extra candidate in the hope of creating a contest and running up the price of votes.

The upper classes felt no more shame at the corrupt use of their money than did the poorer at their acceptance of it; neither candidate nor agent regarded it as other than a venial offense and when a member was caught in corrupt practices no disgrace or stigma was attached to his name. "Bribery," as one member put it, "was an aristocratic, gentlemanly, and respectable offense." The notion of there being any criminality and dishonor in corrupting wholesale the poor and those liable to temptation was never once hinted at. "Candidates, agents, voters, no matter how exalted or how degraded their condition, all spoke a similar language, and exhibited the same utter unconsciousness of any dishonor attaching to the conduct pursued. They desired to avoid detection, not because the act they were performing was in their own opinion disgraceful, but simply because the law affixed a punishment and a disability upon those who performed such acts."

The effect of this system of corruption was to throw electoral power into the hands of the upper classes. The right of suffrage, which had supposedly been extended by the Reform Act, was in reality contracted, to a large degree, by the corrupt influence wielded by the plutocracy. Many voters were to all intents and purposes dis-

franchised in so far as they cast their votes not according to their own belief, but in the interests of the man who bought or controlled their franchise. Since an appreciable portion of the ostensible voters did not exercise a real, effective, and untrammeled choice, the right of vote was restricted within narrow limits.

This restriction was intensified by the power of the upper classes exercised in making up the electoral lists. This process, known as registration, was one of extreme complication. The Reform Act, instead of making it easy for every person who was qualified to be registered, had instituted a system characterized by red-tape and expense. The poor man found that frequently he could not be listed without giving up a whole day or more, and that even then legal technicalities might lead to his disqualification. He could not afford to hire a lawyer to see to it for him. Hence when the electoral agent of one of the great parties or the agent of a magnate came to him and promised to see that his name was listed without trouble or expense, he readily acquiesced. But the agent, of course, made it a condition of performing the work of registration for him, that the voter should vote as the agent requested. In this way upper-class interests found a method of controlling votes to their own advantage.

A converse method was developed for disqualifying their opponents. The agents would go over the electoral lists and whenever they came upon the name of a person in whose qualification there seemed to be some technical defect, they would send in a formal objection. Frequently they would object to names simply on the chance that no defense would be presented. If the persons objected to were laboring men, they would not have time

to appear in court, nor could they defend themselves without legal assistance. If they did not appear, their names were taken off the list, and they found themselves disfranchised. If they asked an election agent to defend them, he naturally made it a condition that they vote as he wished.

Hence the franchise depended very largely upon the registration agents, and they, representing the upper classes, controlled the votes. They knew how to create qualifications on flimsy grounds; they knew how to present technical objections. The people could hardly be blamed for complaining that the franchise was to a large extent a myth, and that the poorer classes were excluded from all share in government as before 1832.

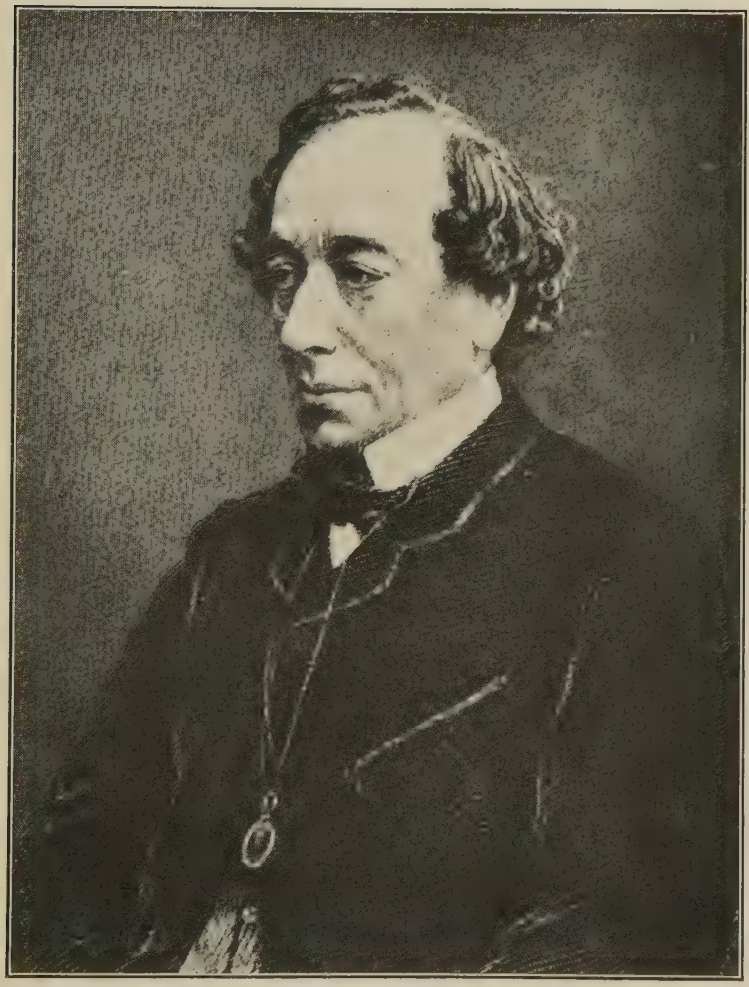
Many persons realized that because of the prevalence of corrupt influence and because of the complexities of registration an appreciable portion of the electorate was practically disfranchised; and they perceived that so long as the opinions of the voters were stifled by gold, by fear, or by electoral tricks, the wealthy classes would be able to maintain their domination at the polls. Most of those who desired a democratic electoral system believed that it was useless to tinker with details. The simplest and most direct road to giving the people real control in elections was the extension of the franchise. Almost from the moment of the passing of the first Reform Act, an agitation began for a more democratic suffrage than that established in 1832.

This agitation found support among the middle-class radicals, who believed that a simple "household suffrage" should be the object of franchise reform. A more democratic movement was begun by working-class leaders who hoped to secure a thoroughly popular electoral system

based upon "universal suffrage," an absolutely equal distribution of seats, annual Parliaments, and the secrecy of voting. The latter, advocating what was called The People's Charter, became known as Chartists, and under the leadership of Feargus O'Connor organized a general agitation of the working classes in the hope of thoroughly democratizing the British government. At times, and especially in 1848, the movement threatened to become revolutionary. A wave of popular restlessness was sweeping over Europe, which in France led to the overthrow of the monarchy, and in Italy, Austria and Germany gave rise to revolutions. But in England the efforts of the Chartists proved abortive. The working-class leaders were at odds with the radicals of the middle class. And the mass of the nation, fearful of domestic war, generally refused to support the Chartists.

But while the extreme democratic program of the Chartists was thus excluded from the realm of political possibilities, the general discontent with the electoral system began to have an effect upon the opinions of the leading statesmen. Lord John Russell, who had been so instrumental in the passing of the first Reform Act, had declared in 1832 that the determination of the franchise of that year should be final. This doctrine of "finality" he maintained for nearly twenty years. But in 1848 he went so far as to admit that some further change might be necessary, and in 1852 he actually brought in a Reform Bill.

For fifteen years following this bill, which was defeated, the subject of reform became once more a live issue in the House of Commons, and no less than six later bills were introduced by different ministries, until finally in 1867 one was passed. Various causes contributed to such



Benjamin Disraeli, Earl of Beaconsfield

delay. Many of the leading statesmen were either hostile or indifferent to further reform. Lord Palmerston, who was perhaps the most influential of all the Liberal ministers and who enjoyed extraordinary popularity in the country at large, opposed reform. He, with the wealthier classes, was primarily interested in foreign affairs, and such interest, immediately before and after the Crimean War, overshadowed all domestic questions. The country was prosperous and satisfied. The working classes, after the failure of Chartism, showed little enthusiasm for change. Reform in the system of elections is never a matter that arouses great waves of enthusiasm, except in times of already great political excitement. Until the death of Palmerston, in 1865, although reform was continually broached in Parliament and in the country, it was demanded with only luke-warm insistence.

But in 1866 the question once more became the vital issue of the day. The Liberals were in power and upon Palmerston's death, the character of their ministry assumed a more really liberal tinge. Their leader in the House of Commons was William Ewart Gladstone. Gladstone had been in Parliament for a generation, and had gradually risen to his position of authority, which was to be supreme during a large portion of the succeeding generation. He had entered the House as a Conservative, but had turned Free Trader with Sir Robert Peel, and a few years later joined the Liberal party. His political ideas were not democratic, and to the end of his career he retained much of his love of tradition; sweeping reform was in general distasteful to him. But he was always progressive, ready to become more liberal as circumstances demanded; if not ahead of his generation, he was, in matters political, ready to march abreast of it. He had

supported the Reform Bills of Russell, which in 1852, 1854 and 1860 had failed, and in 1866 provided the main force behind another Reform Bill which was presented by the Liberal Government.

Gladstone's chief opponent and the most brilliant statesman on the Conservative side was Benjamin Disraeli. By birth a Jew, he had won his political position in the face of the most stupendous difficulties. In his early youth he was a member of the fashionable "smart set" about town, with a genius for striking waistcoats and a love for the romantic. His intellectual brilliancy had found scope in writing novels, which displayed the wealth of his social and political imagination. But although his cleverness was generally acknowledged, his political ambitions were universally laughed at. The House of Commons, during the early Victorian era, did not like young men who were too clever and original, especially when they were also Jews, novelists, and beaux of fashion. The young Disraeli found it difficult to enter Parliament and still more so to win influence there. His maiden speech was a fiasco, but the young orator showed his metal in the midst of the hoots and jeers with which he was greeted by affirming as he sat down that the time would come when they would listen to him.

The prophecy was slow of fulfillment, but ultimately proved to be correct. With the break-up of the Conservative party, caused by the Free Trade policy of Peel, Disraeli became an active factor in its reorganization. Nothing could prove more conclusively the political genius of the man than the influence he began to exercise over the solid Tory squires, the incarnation of old British conservatism, who had instinctively regarded Disraeli in the light of a political charlatan and an alien adventurer. In the

fifties he became leader of the party in the House of Commons, and by 1866 controlled the destinies of the Conservatives, although his personal loyalty to Lord Derby left the latter titular leader.

In political matters Disraeli was far ahead of his party. Unlike Gladstone, he cared little about questions of constitutional reform, believing that the aristocracy should lead and govern for the benefit of the poorer classes, and that if the aristocracy were worthy of the name, it made little difference to the democracy whether or not the government was based upon popular control. Mob-government he disliked and distrusted as being likely to thwart rather than to fulfill the best interests of the people. He did not, however, insist upon a sort of benevolent despotism of the upper classes, and was not blindly opposed to political reform. He had brought in a Reform Bill of his own in 1859, and was not blind to the fact that the representative system was capable of improvement. But he did not approve of lowering the franchise and granting the suffrage to the poorer classes without securing some assurance that the political power of the aristocracy would not be swamped by the new voters.

For this reason and also on grounds of party interest, Disraeli opposed Gladstone's Reform Bill of 1866, which lowered the voting qualifications to seven pounds in boroughs and to fourteen pounds in counties, and which would have admitted some four hundred thousand new voters. The proposed change was slight and Conservative opposition to it could hardly have been successful had it not been for a section of the Liberals themselves who disliked any further extension of the franchise. The latter, known as Adullamites, because they resembled the discontented under the reign of Saul who banded them-

selves together in the cave of Adullam, acted under the brilliant leadership of Robert Lowe. Lowe refused absolutely to admit the necessity of any reform and could not see "why the constitution which we have lived so long under, might not be left to us for a little longer." He felt that the new suffrage would enfranchise the class which had always shown itself least capable of worthy response to its responsibilities. "If you want venality, ignorance, drunkenness," said he, "if you want impulsive, unreflecting, and violent people, where do you look for them in the constituencies? Do you go to the top or the bottom?"

The alliance of Liberal Adullamites with Conservatives led to the defeat of Gladstone's Bill and the resignation of the Liberal Ministry. The Conservatives, with Lord Derby as Prime Minister and Disraeli as leader in the House of Commons, entered into power.

But the Conservatives, although they had defeated Gladstone's Reform Bill, were forced to bring in one of their own; the working classes, which in 1866 had displayed little enthusiasm for the suffrage, soon manifested their unwillingness to see it snatched from them when once proposed, and circumstances soon developed in such a curious manner as to make the Conservative's Bill more democratic than Gladstone's. Disraeli offered household suffrage in towns. But he planned to offset this apparently liberal proposal by the condition of two years' residence, the payment of poor rates, and a dual vote for householders who paid twenty shillings in direct taxes annually. Household suffrage was thus restricted, and at the moment when the working classes were receiving votes, they realized that their newly-won electoral power would be counter-balanced by the extra votes about to be

granted to the wealthier classes. Disraeli, with all the popular force of the slogan "household suffrage" behind his bill, planned to preserve the political status quo by means of the rate-paying requirements and the dual vote.

But when the bill came up for discussion, the Conservatives could not maintain these restrictions. Amendment after amendment followed, to which the Conservatives were forced to yield. The dual vote was abolished, and the democratic character of the new borough franchise was further increased by reducing the term of residence from two years to one. Another step in the democratic direction was marked by the insertion of a franchise for lodgers, designed especially for working men in the industrial towns. In the counties the new franchise was less democratic, but even so it was destined to admit a class lower in the social scale than the tenant farmers enfranchised in 1832. In its final form it gave the vote to occupiers of tenements in counties rated at twelve pounds annually. The county leasehold and copyhold qualifications which had been set at ten pounds value in 1832 were now reduced to five pounds each.

The Reform Bill, as passed, was thus infinitely more democratic in character than Disraeli had intended, and even more so than Gladstone's Bill. It had introduced a borough franchise which in 1832 had been considered tantamount to anarchy, which Gladstone in 1866 had regarded as the quintessence of Radicalism, and which even John Bright had believed to be dangerously democratic. Disraeli's willingness to grant the vote to the working class in towns surprised the whole Conservative party as well as the cabinet itself, and has remained one of the mysteries of history. It is difficult to explain it on the basis of political principle, and one hesitates to accuse

Disraeli of bringing about such a constitutional change merely for the sake of remaining in power. It has been asserted, in the words of a phrase used on an earlier occasion, that "he caught the Whigs in bathing and stole their clothes." But such an obvious and shallow political trick is hardly in consonance with Disraeli's political foresight.

At all events, the Reform Act of 1867, which the Prime Minister himself, Lord Derby, called a "leap in the dark," almost doubled the number of voters. The first Reform Act had increased the electorate of England and Wales by only some two hundred thousand voters. The second Reform Act added nearly a million. In some of the towns the electorate was tripled, in others it was quadrupled, and the number of voters in the mining town of Merthyr Tydvil was more than decupled.

It was not to be denied, however, that in the eyes of true reformers, the Act of 1867 was only a half measure. It had put the suffrage in boroughs on a democratic basis, but it had left the county population to a large extent without the vote. The boroughs had gained over seven hundred thousand new electors, the counties only some two hundred and fifty thousand. While the proportion of voters to population was in boroughs about one to seven, in counties it was only one to fourteen. This unfairness was the more undemocratic in that there was no longer any practical difference between a borough and a county constituency. Many of the counties were industrial centers and thickly populated; their urban character was often clearly distinctive. Many of the boroughs, on the other hand, were villages of a purely rural and agricultural character. Sentimentally, as well as practically, this anomaly was keenly felt by those who

lived in the county constituencies and were excluded from the franchise.

If a workingman changed his residence in search of work, and left the borough, his qualification might be at once destroyed. The agricultural laborer of Shoreham enjoyed the privilege of voting, while the peasant, no richer or better educated, who lived outside the borough boundary, was excluded from the franchise. The artisan of a town like St. Helens, which was not a parliamentary borough, did not have the vote, while his brother or cousin, working in a similar factory at Warrington five miles to the south, or at Wigan, eight miles to the north, drawing no better pay and living in the same circumstances, was fully qualified. It was this state of affairs which enabled Gladstone to say in 1884: "The present position of the franchise is one of greater and grosser anomaly than any in which it has heretofore been placed, because the exclusion of persons of the same class and the same description is more palpable and more pervading than before."

Another barrier to democracy in the system of elections was the unequal distribution of seats. At the time of the second Reform Act Disraeli had carried through a slight redistribution, by which some of the smaller boroughs were disfranchised and their seats, fifty-two in number, assigned to the more populous counties and industrial towns. But the distribution of electoral power continued to be extremely uneven. As lately as 1884 there were still fifty-six boroughs in England and Wales of less than ten thousand inhabitants each and seventy-three of less than fifteen thousand, which were specially represented in the House of Commons. With their eighty-one seats they were capable of outvoting the thirty-one boroughs which

had a population of more than one hundred thousand each, together with the representatives for all of Lancashire and the West Riding of Yorkshire. Members representing about one hundred thousand persons in the rural boroughs of Cornwall, Devon, and Wiltshire, could outvote the representatives of more than two millions living in the manufacturing towns of the Midlands, Lancashire, and Yorkshire.

Obviously the upper classes profited by this unequal distribution. Their power in the agricultural counties and in the small boroughs was almost supreme, and the representative advantage of these constituencies was favorable to aristocratic control in the House of Commons. The small value of a vote in the industrial towns affected adversely the electoral power of the masses and tended to nullify the result of the enfranchisement of 1867. As Bright had predicted, household suffrage could work no revolution so long as the populous constituencies were deprived of their proportional number of seats. The high value of a vote in the small boroughs not merely operated in favor of aristocratic influence, but prevented the elimination of bribery; for it made the suffrage so valuable that the voter could not resist the temptation which was offered directly as a bribe, or indirectly in one of the other multifarious forms of corruption. Both parties were aware of these barriers to complete democracy in the electoral system, and for the most part the leading politicians of the day were not over-anxious to remove them. But once the door has been opened to reform it is difficult to close it, and after 1867 the House of Commons began to show that its powers of resistance to demands for the completion of the democratic movement were growing weaker.

A Leap in the Dark
Punch, August 3, 1867

Almost immediately after the second Reform Act, a factor in aristocratic power in elections was removed by the introduction of the ballot system, as it was called: the secrecy of voting. The report of an investigating committee had bared to the light of day the enormous influence of the upper classes in elections and especially the methods of intimidation employed. After long study of the British and other systems, the committee advised that the old method of *viva voce* voting be abandoned. Secret voting was regarded with disgust by the Conservatives and by many of the Liberals themselves. Gladstone had declared against it in 1866 and Russell believed that it would lead to fraud. Lord Shaftesbury said that the introduction of secret voting was a disgrace and an open avowal of cowardice and corruption. But the more democratic statesmen maintained that without secrecy of voting the franchise was illusory; the vote belonged not to the elector but merely to his landlord or employer, or the agent who bought it. Corrupt influence was directly opposed to the democratic theory and corrupt influence could be destroyed only by concealing a man's vote. The sole intent of the franchise was that the elector might deliver his free and independent suffrage at the poll.

In 1872 reactionary influences were overborne and secret voting was introduced by the Ballot Act. The new system led to quieter elections, although the changes in voting methods were not extensive. As under the old system, the day of election is designated by the returning officer—a day which must not be more than four days after the receipt of the writ in the case of boroughs, or nine days in the case of counties. On this day no voting occurs, but the nominations for the seat are received,

signed in each case by nine electors. If the number of candidates nominated does not exceed the number to be elected, no polling takes place, and the candidates are immediately declared elected.

But if the election is contested, more candidates appearing than there are seats, the returning officer fixes a polling day, from two to six days later, on which the real election takes place. Under the old system, the electors presented themselves at the hustings or voting platform, and gave their choice *viva voce*. Under the Ballot Act, each elector receives a paper upon which the names of the candidates are printed, is allowed to enter the polling booth, and there unobserved places a cross opposite the name of his favored candidate. These papers are then put in a locked ballot box, which is not opened until the end of the polling, when the votes are counted in the presence of the returning officer, who declares the election of the candidate receiving the most votes. The Ballot Act did not affect the manner of voting for University representatives, which remained as before: each University elector gives his vote by word of mouth, and absent electors may send proxies which count as regular votes.

It was hoped that the introduction of the ballot system would go far towards eliminating intimidation and would make bribery useless, since the election agent could no longer tell whether or not the voter had kept his promise. And it is true that in Ireland and in certain British county constituencies the landlords lost much of their electoral power. The elections of 1880, however, proved that bribery direct and indirect still continued, and in 1883 it was found necessary to take another long step in the hope of eliminating corruption. The new Corrupt Practices Act, following on the lines laid down by the Act

of 1854, increased the severity of penalties for bribery and other corrupt practices, and laid down a sumptuary law regarding the amount that might be expended by the candidate in his campaign. In the county constituencies six hundred and fifty pounds might be spent if the electorate was not greater than two thousand, sixty pounds more was allowed if the number of electors passed the two thousand mark, and sixty pounds extra for every additional thousand electors. In boroughs, if the number of electors did not exceed two thousand, the maximum expenditure was limited to three hundred and fifty pounds; three hundred and eighty pounds was permitted for a borough electorate of over two thousand, with an extra thirty pounds for every additional thousand electors.

The kind of expense that the candidates might incur was defined as closely as the amount. Every expense must be accounted for, and the member elected could not take his seat until he had made a declaration certifying to the truth of the accounts.

The democratic effect of the Act of 1883 can hardly be doubted. That it did not lead to a complete elimination of aristocratic influence through corruption, is perhaps true. But it reduced the expense of contesting a seat and thus extended the circle of possible candidates, and it transformed methods of electioneering to such an extent that the corrupt purchase of votes was afterwards to be found in a comparatively small number of boroughs and assumed a far less blatant form than previously.

The long step thus taken towards democratic elections was supplemented in the following year by the Franchise Act of 1884. This extension of the franchise, long demanded by reformers and finally authorized by Gladstone, removed the most obvious anomaly that had sur-

vived the second Reform Act, namely the different kind of franchise in counties and boroughs. It granted to inhabitants of counties the same suffrage rights that had been given to the borough population by Disraeli in 1867. In its numerical effect, it was even more important than the second Reform Act, for it added no less than two million voters, all told.

In 1885 a further democratic advance was made by a redistribution of seats, which, for the first time in English history, made a thorough attempt to recognize the importance of industrial and populous centers in the representative system. The redistribution satisfied in broad lines the demand that seats should be assigned, at least roughly, according to population. Seventy-two boroughs of small size lost separate representation, and thirty-six were deprived of one of their seats; six large boroughs, of rural character, were merged in the counties. With other disfranchisements, one hundred and forty-two seats were thus available for distribution among the populous districts. The large towns, such as Manchester, Sheffield, and Liverpool were given from three to six new seats apiece; the metropolitan boroughs about London received thirty-nine new members; the industrial county divisions were likewise favored: Lancashire received fifteen new seats and the West Riding of Yorkshire, thirteen.

It is true that the reforms of 1883, 1884, and 1885 did not make of England a true electoral democracy. Corruption still prevented the free exercise of the franchise in many instances; the franchise was complicated and, as we shall see, the difficulties of registration kept many qualified persons from becoming enfranchised. Furthermore the distribution of seats left some anomalies of rep-

Cad and Clod—*Punch*, March 15, 1879

Mr. Punch—"Well, my Lord, you educated your 'party' up to that. Don't you think you might educate 'em up to *this*! ! !"

resentation which were to be accentuated by the flow and shifting of population in the generation that followed 1885.

But despite these and other undemocratic survivals, which will be discussed in the next chapter, the control of the upper classes was definitely broken. The introduction of a democratic franchise for the boroughs in 1867, its extension to the counties in 1884, the redistribution of seats, temporary as it was in its effects, the breaking down of aristocratic dominion in the process of electioneering and the purification of campaign methods, transferred ultimate power in elections from the privileged few to the mass of the people.

CHAPTER VII

UNDEMOCRATIC SURVIVALS IN ENGLAND: BRITISH ELECTIONS AFTER 1885

NOTHING better illustrates the British genius for practical politics than the history of electoral reform. It is the story of the gradual application of comparatively slight alterations in a system essentially sound, but which in its growth and development required grafting here and excision there,—reform founded upon the basis of actual experience. There has been no sudden revolution, no doctrinaire construction of systems cut out of whole cloth; there has been no attempt to secure a new system as you would buy a new suit of clothes, but rather a cautious amelioration of particular conditions which were obviously wrong, so that no shock has been administered to the framework of the system, which after all has served its purpose well. The outstanding characteristic of British electoral reform has been the spirit of compromise, which in nine cases out of ten forms the essence of wise statesmanship.

But although the British method of reform is safe and on the whole eminently wise, the process must be perpetual. No reform can be final, for each leaves untouched defects of minor importance which sooner or later, either because of their peculiar character or because of the march of events, become of major importance and demand remedy. So it was in the case of the reforms of

1883, 1884, and 1885. They went far toward removing the worst anomalies of the electoral system and they struck a severe blow at the power of the aristocracy and the plutocracy in elections. But many barriers to democracy survived them. The character of those barriers and the attempt made to remove them by the fourth reform in 1918, form the subject of the pages which follow.

It was clear soon after 1885 that while the advance toward a purely democratic franchise in Great Britain had been steady during the course of the nineteenth century and on the whole very impressive, there was still some way to go before manhood suffrage was attained. The most obvious barrier to the granting of a vote to every adult male was the complexity of the franchise and the red-tape involved in winning the right to vote. The franchise law was still encumbered by artificial distinctions and impediments for which it is difficult for true believers in the democratic principle to find justification in principle or policy. The result was that many persons were excluded from the franchise who were in all material respects fully as qualified as those who were actually possessed of the suffrage.

One reason for such exclusion was due to the laxity in the making of the voters' lists. This business was entrusted to officials who had other duties and who were apt to regard their functions as electoral registrars as being of secondary importance. If a prospective voter's name were omitted from the lists he must make special claim to have it inserted. Instead of making the process of such claiming as simple as possible, the law still followed the ancient usage based on the sentiment that the winning of the vote must be made difficult. The claims for a vote must be made in strictly legal form, addressed

to definite persons and at a certain definite time; they must state in very precise and legal form the exact ground of the franchise claimed. Any error would suffice to invalidate the claim and the claimant would lose his vote. Naturally many persons asked themselves whether the vote was worth such red-tape. The poorer classes had no time to go through with the required forms, and they lacked the money to hire lawyers to do it for them.

Certain conditions would entitle a man to vote in a county that did not entitle him to vote in a borough. Certain conditions in one borough would give him a vote, which conditions would not give him a vote in another borough or in a county. Unless a man was an electoral expert he often did not know whether he were really entitled to vote or not; or if he was convinced of his qualification, still he did not know how to state his case without legal assistance. If he claimed on a wrong form or a day later than the legal date, or omitted certain technical details he was almost certain to be disqualified for a year and possibly longer.

Even electoral experts were at odds over the conditions necessary to qualification. The Courts had not yet decided what actually constituted a lodger franchise, and whether a man who occupied separate rooms in a house over which his landlord did not exercise control, was to be regarded as an occupier or as a lodger. The question was an important one, for if he were a lodger it meant that the difficulty of becoming registered would probably prevent his winning the vote. Electoral officials, however, had not been able to agree on this point, and in some instances we find these so-called "latch-key voters" admitted freely to the franchise, while in others they were excluded. Many thousands of persons thus did not know

whether they were occupiers or lodgers, and neither they nor the party agents knew how to put in their claims. The practical confusion and expense which resulted is obvious, and it prevented thousands from becoming voters.

Another reason for the exclusion of many persons from the suffrage was the long period of residence required before the claimant could qualify. The law demanded that he should reside at the same address during twelve months prior to July 15 of the year of registration. This meant that a man must wait a year and a half before voting and he might be forced to wait twenty-nine months. If he came into residence on July 16, 1914, for example, he could not be registered in 1915 but must wait until the 1916 registration. He then must wait still further until Jan. 1, 1917, before he could vote, for the register made up in 1916 did not come into force until 1917. At the best, if a man came into residence July 15, he must wait until the following January before he could vote, a period of very nearly eighteen months.

In other words, a man must pay his taxes and rates for a year and a half before obtaining the franchise. This, the democratic reforms contended, was surely taxation without representation. Moreover it was particularly undemocratic in that it affected the working classes particularly, who by the nature of their occupations were forced to move frequently. A respectable artisan who is successful at his trade, very often can improve his circumstances by moving every year or so in order to take advantage of his opportunities. Such a man is the very person who ought to have the franchise, and yet his migrations, the result of ambition and the desire to better himself, had merely the effect of disqualifying him. There

is a curious instance of a university graduate who, because he was a schoolmaster and forced to change his residence frequently, was never able to qualify as a voter. One of the early labor leaders in Parliament, Broadhurst, pointed out that because of the difficulties of getting one's name on the list he was elected to the House of Commons before he had the right to vote himself for a candidate.

Another barrier to the complete extension of the franchise to all adult males was the condition that all rates must be paid before the claimant was entitled to vote. This weighed heavily on certain classes and therefore impugned the principle of equality which should permeate a democratic franchise. In some constituencies, especially those where householders depend upon summer visitors for their living, the rates were frequently unpaid until the middle of summer, and scores of persons were thus disfranchised who were otherwise duly qualified. Sometimes the landlord of a property paid the rates himself, adding the amount to his tenants' rent; but if he failed to pay the rates in any particular year, his tenants were at once disfranchised through no fault of their own.

Apart from the exclusion of large numbers from the suffrage, the franchise was undemocratic because of its anomalies, which made it largely a matter of luck whether or not a person might vote. Thus a servant secured a vote if he resided in his master's house, provided his master did not live there; but if the master returned to reside, the servant was disqualified. A man might be an elector of the City of London, simply because he was a liveryman of a City Company, the survival of the Medieval Trade gild; another might live and work in the City for years, living in lodgings, and find it almost impossible to become

registered; if he changed his lodgings once a year he would get no vote at all. A man who owned land in twenty different counties could claim a fresh vote for each, even though he paid no taxes on any one of them; but a man who paid rent, rates, and taxes for years may be deprived of all voting rights if he move from one house to another, if the houses were in different voting areas unless he moved on one particular day of the year.

Such anomalies resulted largely from the ancient franchises which dated from the day when voting was a privilege and not a right, and their effect was naturally to weaken the political power of the poorer class. In all the so-called "fancy" franchises, complicated conditions of the right to vote, and "methods of giving greater voting weight to certain classes of society, might be traced the natural tendency either of the wealthy to distrust the cupidity of the poor, of the cultured to dislike the aims and manners of the proletariat, or of certain races, religions, or classes to retain, if possible, power over those opposed to them in blood, faith, or society. They are merely forms of class legislation."

The most serious inequality, from the democratic point of view, and that which gave rise to the most obvious anomalies, was the system of plural voting. In almost all other countries it was an established electoral principle that a man should vote but once at any one election. In the British system, however, while a man might vote only once in the same constituency at any one election he was permitted to vote in every separate constituency in which he held a qualification. Residence was required if a man were to vote upon an occupation qualification, but the term residence was widely interpreted. Thus if a claimant had a house in which he slept in one constit-

uency and a country-house in another, and his place of business in a third, he might technically claim to reside in each and might therefore acquire three votes. His office, perhaps, is in the city, his home in Kensington and his week-end cottage in Surrey. If a man claimed a vote for the ownership of property he need not reside on that property. Hence it was possible for him to own freehold property in a score or more counties and to vote in each one of them. Graduates of the universities might vote for the representative of their university in the House of Commons, and as they need not be resident at the University, might thus acquire a vote besides the vote they possessed for their residence, and hence become plural voters.

There was no theoretical limit to the number of votes a man might exercise, except the number of constituencies. The number of persons who held more than one vote in the United Kingdom was estimated at over half a million and it could hardly fall far short of that mark. Many of these persons voted four or six times. Joseph Chamberlain, originally a great Radical reformer who was forced from his party when the Home Rule dispute arose, admitted publicly that he voted in three boroughs and three counties; he said he knew of a "reverend pluralist" who had no less than twenty-three votes, and there is a case on record of a man who had eighty votes.

If all elections were held on the same day, this system of plural voting would not have been of such practical political importance. But in Great Britain a general election lasted, roughly speaking, a fortnight. Plural voters might thus vote in London one day, go to Liverpool to cast another vote on the next, and to Scotland to vote for the third time on the next. The advent of the motor-

car of course facilitated the casting of votes in different constituencies.

Obviously the plural voting system was opposed directly to the democratic principle. It gave to the owners of property a greater weight in the election of representatives than it did to poor men who did not own property. Moreover it was unfair even to property holders. A man who owned thousands of acres, if they were all in one constituency, had only a single vote; but another man who owned half an acre worth 40s. a year in each of twenty different constituencies, had twenty votes. It was also unfair to the voters in a constituency that their opinion in elections should be swamped by the intrusion of a large number of outsiders who might reside miles from the place of election and had no local interests whatever. In some constituencies more than a third of the voters were non-residents and might elect a representative to whom the feeling of the great majority of resident voters was completely hostile.

Another great barrier to pure democracy in the British electoral system was the unequal distribution of seats. In this country and in most other nations it is a principle that each representative should represent approximately the same number of persons. To ensure such a result we have periodical redistributions in which electoral areas are altered so that the number of representatives shall be in proportion to population. But as we have seen, no such principle was ever completely recognized in Great Britain. The Redistribution Act of 1885 had removed much of the old unevenness which dated from the time of the pocket boroughs. But naturally the inequalities which survived that Act became greatly exaggerated by over twenty years' growth and movement of

population. By 1914 certain sections of the United Kingdom had far too many and others had far too few members, proportionately to their size and importance.

Ireland, for example, had 103 members, whereas her population would entitle her to only 72. England had 465, while she was really entitled to 528. In England itself the rural and agricultural districts were overrepresented, while the industrial and mining centers were underrepresented. The densely populated districts to the north and east of London furnished a striking example of the unequal distribution of seats. This district, which had grown rapidly since 1885 and was still growing, is one enormous urban area, in which the few remains of rural life are mere enclaves in the vast conglomeration of railway yards, factories, and thickly-crowded houses. With about a million and a half inhabitants it sent only eight members to the House of Commons, although its population would entitle it to at least nineteen. On the other hand the great agricultural tract in the western counties, including Oxfordshire, Hereford, and much of Gloucester, with less than half of the population of the preceding area sent thirteen members to Westminster; and Devon with its thirteen seats had barely a third the population of the urban district to the north and east of London.

If we compare individual constituencies, we find that the inequalities were still more striking. In the case of two constituencies in Essex, Walthamstow and Saffron Walden, the former had over four times the population of the latter, although they were represented by one member apiece. In Wales, Cardiff had eight times the population of Montgomery. Stafford had five times the representative strength of Hanley, in proportion to its population and Winchester six times that of Croydon. The

largest constituency in the United Kingdom, Romford, had over fifteen times the population of the smallest, Kilkenny. If the latter were entitled to one representative, the former should have fifteen. If Dublin University, with four thousand electors were entitled to its two members Romford should have thirty.

Such an unequal distribution of seats was obviously essentially undemocratic. It meant that it took fifteen times as many votes to elect a representative in Romford as in Kilkenny, eight times as many in Cardiff as in Montgomery. A vote was worth six times as much in Winchester as in Croydon. Simply because a man happens to live in a certain district his vote should not be of so much greater value than that of a man who lives in a neighboring district. Until the constituencies were rearranged and the seats redistributed in such a way that each vote would have an equal value, the British electoral system could not be one which approached pure democracy.

The system of single member constituencies, also, was unfair, in that it did not allow public opinion to be mirrored in the House of Commons in proportion to its strength in the country. It has often happened that the party which was actually in a minority in the country has succeeded in winning a majority of seats in Parliament. This was true in 1886 when the Liberal majority in votes was 65,000, but the Conservatives had a seat majority of 104 and guided the government of the country during the succeeding six years. Again, the system was apt to allow a party winning a very small majority in the country to succeed in capturing a larger number of seats than they were entitled to. In 1900 the Conservative majority in the House of Commons was 134,

although in strict proportion to the votes cast they should have had but a majority of 16. The actual majority of the Liberals in 1906 was 354 seats, whereas their vote majority entitled them to a seat majority of only 94. Frequently in elections for particular seats it happened that a candidate who did not secure a clear majority of votes cast was elected, although he might not by any means be the real choice of the constituency.

Such a state of affairs was not conducive to true representation. "Representation means more than the securing to the majority holding certain opinions the predominance in Parliament of those holding those opinions; it should also mean that a minority should be represented among members, proportionately to its numerical power in the constituencies." The democratic representative system should obviously be so arranged as to ensure first that a majority of votes should result in a majority of seats, and second that a minority of votes should receive its due quota of seats and not be swamped.

A further obstacle to the control of democracy in British elections was to be found in the expense which fell upon the candidate standing for the House of Commons. In the first place he was forced to bear not merely the cost of his own electioneering campaign, but must share with the other candidates the official expenses of preparing and taking the poll, furnishing the polling stations, providing ballot boxes and ballot papers as well as stationery, and paying the presiding officials and counting clerks. Each candidate must provide security in the form of cash to the returning officer before the election to cover these official expenses. The amount of security varied according to the number of voters and candidates and the character of the constituency. The maximum amount

required was 1,000 pounds in a large county division, and might be only 150 pounds in a small borough. The work of preparing for an election was often carried out with extravagance, and it resulted that the candidates had to meet a heavy bill. The average cost for each vote polled, indeed, was no less than 9d.

Besides these official expenses, the candidate must be prepared to spend freely in the carrying on of his campaign. The cost of posting, placarding, and circularizing was not small and even though the candidate was forbidden by law to spend more than a certain amount, if he were contesting a large constituency, a county division of two thousand electors, for example, he was practically forced to expend six hundred and fifty pounds. And if the candidate's electoral agent be not too scrupulous, there would be various bills incurred beyond the legal expenses, which would not be included in the official return, but for which the candidate must ultimately be responsible.

Furthermore the expenses which fell upon the candidate between elections were heavy in the extreme. The habit of "nursing" a constituency had become in many places practically obligatory upon the M. P. who would be successful at the next election. He must subscribe to clubs, societies, and charities which had nothing to do with politics. If the local cricket or football club showed a deficit for the season he must be ready to make their accounts balance. If there were to be a local outing or picnic the member was forced to underwrite it. His house must be opened frequently for large entertainments and the bill for liquid refreshment at the numerous smoking concerts must be largely settled by his steward or agent. In one case a candidate, who had nursed a constituency

unsuccessfully for years, admitted that he had supported a hundred different institutions, and there appeared from time to time anonymous accounts of the experiences of candidates, which throw sinister light upon the secret expense of keeping or winning constituencies. An electoral expert has ventured the statement that many members spent six hundred pounds a year on their constituencies.

The obvious result of the expense involved in becoming and remaining a Member of Parliament was to narrow the range of choice of candidates and prevent the democracy from really choosing the men that they most preferred. It is undeniable that many men of ability, who would have represented popular interests worthily, have been prevented from entering Parliament because of the outlay necessitated by candidacy and the financial obligations which rested upon a Member of Parliament. It is true that more than twoscore working men, or men who have recently been engaged in manual labor, were in the House of Commons. But their entrance into the national council was made possible only by special organization; the overwhelming influence of the aristocracy or plutocracy will not be eliminated from British elections until the cost of candidacy and membership is greatly lessened.

This plutocratic influence was, of course, heightened by the advantage which the rich man possessed in his campaign. Even a strictly honest electioneering campaign was expensive. But there were various methods by which an unscrupulous election agent might assist his principal's chances, methods of evading the Corrupt Practices Law and influencing the voters illegally, all of which cost money. Corrupt or questionable electioneering is

not altogether a thing of the past and must always be a factor adverse to democratic interests.

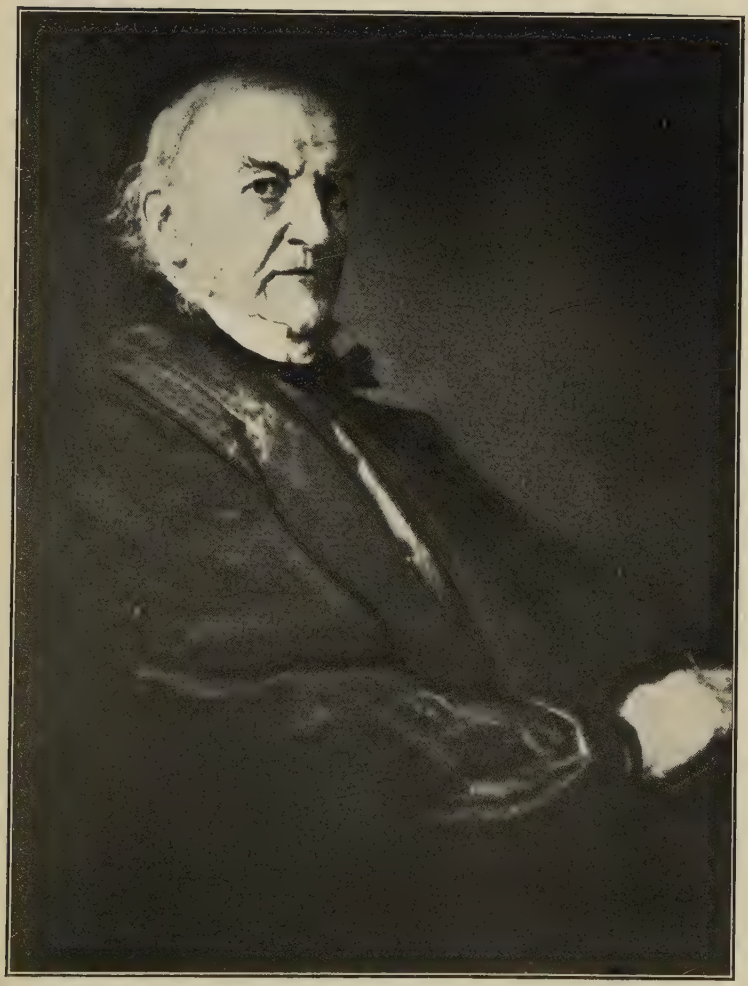
Direct purchase of votes has largely been eliminated. Elections have recently been voided on this ground, but the bribery has generally consisted in paying railway fares to voters allowing unreasonable time off from labor, in which to vote, or in supposedly philanthropic gifts. Such bribery, if it was less blatant than the old-fashioned method of direct purchase, was more insidious and equally dangerous. It made little difference whether a vote was bought with a sovereign or with a ticket entitling the elector to food, coal, or groceries. One great advantage of the wealthy in electioneering lay in their possession of motor-cars. The law did not allow the hiring of vehicles to convey voters to the poll. Cars might be loaned, however, and there is little doubt but that the promise of a ride to a voter often acted as effectively as a money bribe.

A further advantage of the wealthy lay in their power of intimidating voters, and it may be said that this was one of the most anti-democratic factors in the British electoral system after 1885. Little was heard of the pressure brought to bear upon workmen by their employers at election time, but the few cases which have come to light in which the voter risked ruin to himself and his family by refusing to accept the political opinions of his employer, show that this method of influencing voters was still an active force in elections. Other cases tried in the courts have revealed the fact that landlords, and sometimes landladies, have threatened their tenants with eviction if they expressed political feelings of a different character to their own, and that such threats were frequently carried out.

Many difficulties stood in the way of preventing the exercise of such corrupt influence in elections. It was a difficult matter to prove that the intention to influence was corrupt; the process of trial was complicated and expensive; it was not easy to secure witnesses; the rules of evidence in election trials were uncertain and the outcome might depend upon the personal attitude taken by the judge in charge. It resulted that an unsuccessful candidate was very slow to petition against his successful rival, and for each case of corruption brought to light, a hundred were never heard of.

Another reason for the failure to eliminate corrupt methods completely was that much of the work was carried on between elections. The nursing of a constituency, when no election was imminent, was just as effective as treating during the poll, but it did not come under the ban of the law. Furthermore the candidate might be assisted by associations, who paid a large proportion of the expense of campaigning, but who were not responsible, although they assisted the candidate in large degree. Thus the Brewers' Association acted as a guerilla force, generally in favor of the Conservatives. The liquor interests expended large sums, held meetings, canvassed actively, distributed literature; the candidate naturally benefited by this expenditure although he did not have to enter the sums spent in his election accounts. As the funds of such associations proceeded generally from the pockets of wealthy men, the effect was, broadly speaking, to exercise plutocratic influence upon the votes of the poorer class.

It is obvious that in Great Britain, as in other countries, the system of elections could never be wholly democratic until the vote of the poor man was protected from



Millais

William Ewart Gladstone

aristocratic and plutocratic influence. Lloyd George put the case clearly in his speech of March 23, 1910: "After all, the franchise is the most valuable possession of the working man. Is it the only property that is not to be protected by the law of the land? If a man is deprived forcibly or by larceny of sixpence, the whole machinery of the law is at his disposal to track it and recover it and to bring the depredator to vengeance. Why not the vote also?"

Two other features of the British electoral system, undemocratic in character, should be mentioned. The first, the exclusion of women from the suffrage, will be treated later at greater length. The question is of such a highly controversial nature that a full presentation would exceed the scope of this chapter. But whatever objections may be advanced against woman suffrage on the grounds of political or social expediency, or even as a result of abstract arguments, from the point of view of pure democracy, it is difficult to deny that the refusal of the vote to women is an anomaly. If it is a principle of democracy that the governed should share in the government, to make an exception of a part of the community on the grounds of sex, is undemocratic. Even from the more narrow point of view, based on the maxim that there should be no taxation without representation, a large number of British women were entitled to the vote.

The other great barrier to democracy in the British system of representation was the House of Lords. It was a barrier the efficacy of which was soon to be greatly weakened, but its power until 1911 was undeniable; whether or not it had been exercised wisely, it was generally, if naturally, used to impede the progress of elec-

toral reform. This was essentially true of the Lords in the struggle over the first Reform Bill and since 1885 the power of the Peers was constantly thrown against constitutional reform. The Liberals' attempt to abolish plural voting in 1906 was speedily frustrated by the Lord's veto. It was so clear that electoral reform could not be carried through while they possessed the right to block legislation passed in the lower House, that even the most ardent reformers recognized the necessity of waiting until the absolute veto of the Peers was either modified or destroyed. It was the Parliament Act of 1911 which seemed to make feasible the passing of a new Reform Act.

CHAPTER VIII

THE REFORM ACT OF 1918

REFORMS of all kinds are apt to come in waves, and in the history of British elections the waves came at irregular intervals. About a generation separated the first and second Reform Acts, only half a generation the second and third, and an entire generation again elapsed between the third and the passing of the fourth in 1918. No matter what defects have been left untouched by a reform, legislators are prone to consider the question closed for a period. It is therefore not surprising that the attempts to remove the various barriers to democracy in the electoral system which we have been considering were, previous to 1906, rather spasmodic.

During the seven years which followed the Reform Acts of 1884 and 1885 the Conservatives were in power except for a period of a few months and there was little thought of further electoral reform. In 1892 Gladstone again formed a Liberal ministry, and although the chief question of the hour was Home Rule for Ireland, the necessity of removing restrictions upon the franchise was recognized by the Government. Mr. Asquith, at that time Home Secretary, accordingly brought in a bill designed to enable all persons really qualified to secure the vote simply and rapidly. The qualifying period of residence, which had stood at twelve months and had resulted in the disqualification of thousands of the poorer

classes, was to be reduced to three; the requirement of payment of rates was to be removed; the restrictions which hedged about the lodger franchise were to be abolished; furthermore, registration officials were to be appointed who should give their whole time to seeing that the names of all qualified persons were brought at once upon the electoral lists.

Had the bill been carried, the electorate would have been largely increased and the chief impediments to actual manhood suffrage would have disappeared. Even Lord Salisbury admitted that it was illogical to perpetuate a franchise law which did not allow a large proportion of qualified persons to vote, and sentiment upon the Liberal side was almost wholly in favor of the reform. But the exigencies of the political situation, characterized by another struggle between the Commons and the Lords, did not permit the Government to press their measure and it was dropped. A similar bill was brought in two years later, but it was introduced by a private member, received only wavering support from the Government and died at once. The same year (1895) the Conservatives returned to power and the hope of immediate reform disappeared. The Liberal Party, however, went on record to the effect that they approved adult manhood suffrage and a three months' period of residence as the basis of voting in national affairs, and it was recognized that when that party returned to power, reform might be expected.

As it turned out, a decade passed before the Conservatives left office. They were years in which British attention was chiefly centered upon matters of imperial and colonial character. The struggle with the Boers over the sovereignty of South Africa was slowly maturing and

in 1899 finally developed into open warfare. The continuation and existence of the Empire was felt to depend upon the successful waging of the war, and when the Conservatives appealed to the country for a vindication of their policy, their success in the "Khaki Election" of 1900 was sufficient to ensure them five years more of power.

On one aspect of the electoral question the Conservatives favored reform. Just as the Liberals desired the abolition of plural voting largely because the plural voter was generally a Conservative, so the Conservatives desired a redistribution of seats because of the overrepresentation of Ireland. The Irish Nationalists were allied with the Liberals for the securing of Home Rule, and threatened to bring the Liberals into power at the next election. A redistribution based upon population, would reduce the number of Irish Members of Parliament and tend to eliminate the danger to Conservative control. As the Parliament elected in 1900 approached the limit of its existence, Conservative demands for a redistribution became more frequent and insistent.

In 1905 Mr. Gerald Balfour, acting for the Government, produced a Redistribution Bill. But although it reduced the representation of Ireland, it could hardly be called a democratic measure. It left many boroughs of small size in England with their representation intact, and was frankly attacked by the Liberals as a purely partisan measure, based not upon the desire to rectify undemocratic anomalies, but simply to destroy the electoral strength of an opposing party. Even a Conservative organ, the *Pall Mall Gazette,* said later: "The manipulation was too flagrant to withstand a day's inspection and the proposals of the Government were doomed from

the first moment that they saw the light." As a matter of fact the Conservatives met with difficulty in their method of procedure and soon withdrew their proposals. They did not have another chance, for at the General Election of 1906 the Liberals came into power with the largest majority since 1832.

It was certain that electoral reform would claim the attention of the new Government. Leading Liberals had made it plain, during their years in the wilderness, that a liberalization of the franchise would be one of their first measures. Asquith had said in 1898 that they needed a democratic machine for democratic work; the House of Commons was only partially representative and must be made thoroughly so by getting rid of the elaborate network of restrictions and obstructions by which access to the franchise was hindered. The period of qualification must be shortened and every man qualified must be placed on the electoral lists by public authority without expense or trouble to himself. Especially was it important to prevent a person from exercising more suffrages than one.

It was this latter reform, by which the Liberals hoped to improve their fortunes in elections, which was first taken up. It was said that anywhere from forty to eighty seats were won by the Conservatives at each election by means of plural voters. And it is not surprising that in the first session of the new Liberal Parliament a bill was introduced which was designed to abolish plural voting. It was opposed bitterly by the Conservatives, who declared that Parliament had no right to take away votes from persons who had won the right to them by intelligence and the exercise of those qualities which were indicated by the ownership of property. The plural voters,

they contended, were the finest class in the community, and that without them the franchise would lead to mere "tramphood suffrage." It had always been a principle of the British representative system that all kinds of interests should be represented; the business man with his office in the City should be allowed to vote there, and also in the locality where he lived and paid taxes. It was partisan interest simply, which impelled the Liberals to the reform; why, if they really desired to democratize the system, did they leave untouched all the anomalies caused by the unequal distribution of seats?

The eloquence of the Conservatives, however, was powerless before the enormous Liberal majority, and the abolition of Plural Voting was easily carried in the Commons. But the Conservatives had a firm ally in the upper House, and the Bill was rapidly disposed of by the Lords' veto.

The Bill was not the only one wrecked by the Peers in that session, and the Liberals were fortified in their resolution to attack the absolute veto of the Lords and clear once for all the road to the passing of Home Rule and the measures of domestic social reform upon which their hearts were set. Private members introduced bills for electoral reform in 1908 and 1909, which were approved by the Government, but they were not pushed far, inasmuch as the ministers felt that the first necessity was to get rid of the impediments placed in their path by the Lords.

From 1909 on, the quarrel between the Lords and the Commons developed with growing bitterness and finally in 1910 Asquith, who had become Prime Minister, introduced the Parliament Bill, which was designed to take from the Peers their absolute veto. He had appealed to

the country, and although the Liberal majority in the House of Commons could hardly be maintained without the support of the Irish Nationalists and the Laborites, he was prepared to proceed with his Constitutional Reform. The death of Edward VII delayed matters and hindered a possible compromise between Lords and Commons; but a new election in December, 1910, left Asquith still in power and in 1911 he proceeded with his Parliament Bill.

The attack upon the Lords' veto aroused the bitterest feelings and developed into the most severe crisis known in Great Britain since 1832. The Bill was passed by the Commons and sent to the Lords. There the Conservative majority of Peers threatened to destroy it. But the Liberal Government had in the preceding November received from the King a promise to create enough Peers to assure the passage of the Bill in case the "Die-hard" Peers refused to accept it. A wholesale creation of new Lords would cheapen the dignity of the second Chamber irretrievably. Rather than allow it, the Conservative Peers resolved to abstain from voting and permitted the Parliament Bill thus to become law.

According to the terms of the new Act the absolute veto of the Lords was destroyed. Any measure which passed the House of Commons unchanged in three successive sessions might be sent up for the royal assent and become law, even if not passed by the House of Lords. It was still possible for the Peers to postpone the passage of legislation, but the Act made certain that ultimately the will of the House of Commons must prevail.

The road was now clear for the electoral reform so long demanded by Liberals. Asquith had made it clear in 1910 that as soon as the power of the Lords was broken

he would proceed with the task of making the House of Commons "not only the mouthpiece but the mirror of the national mind, by abolishing plural voting, by shortening the period of qualification, and by converting the representation of the people from what it too often is now—a sham—into a reality." Accordingly in 1912 a Reform Bill was introduced which rested on a purely democratic basis. Plural voting was to be abolished and with it all the old complicated franchises, for which was to be substituted a single residence franchise, giving the vote to every adult male who had resided in the constituency for six months. The occupation and the lodger franchises were to be left, but in simplified form and the period of residence required was to be reduced to six months.

The effect of the Bill would be, it was estimated, to add some two million adult males to the registers.

The principle of the measure was approved by the House of Commons in 1912, and in the following year the ministry proceeded with their task of converting it into law. But unfortunately for their plans, the Bill could not be carried through, chiefly because of disagreement upon the question of woman suffrage.

Neither of the two great parties in Great Britain had been unified on the matter of granting votes to women, and it had never been made a party question. The matter had been brought up at the time of the Third Reform in 1884 and some of the most influential Conservatives and Liberals had advocated woman suffrage. But Gladstone had disapproved and the Conservatives had not been anxious to press the matter. With the revival of the question of reform after 1906, Liberal leaders, such as Lloyd George and John Burns, had espoused the cause of female rights, but Asquith and other ministers had

disapproved. Then came the advent of the militant suffragists, who adopted the policy of harassing the ministry on every issue and declaring themselves hostile to the Liberal party on every point until it promised to approve officially of votes for women.

The Parliamentary success of militancy had not been secured. At various times the House of Commons voted the principle of female suffrage, but the Liberal ministers did not feel able to introduce a bill. The matter was treated as non-partisan: some of the ministers approved, others voted against it. Finally, Asquith agreed that the Government should allow the introduction of an amendment to the Reform Bill embodying the principle of woman suffrage, and if this amendment were carried by the House, woman suffrage should be made part of the Government program of electoral reform.

But when such amendments were proposed to the Reform Bill of 1913, the Speaker ruled that if carried they would so change the character of the Bill as to make it a different Bill, and that it must be reintroduced and passed through all its stages. The decision proved fatal to the chances of reform. Asquith could not proceed with his Bill without violating his pledge that woman suffrage should be given a fair opportunity of being introduced into it. On the other hand, the other measures of Government demanded so much time for consideration that there would be no time for the introduction of a new Bill. The measure was dropped. Electoral reform in the session of 1914 was blocked by the breaking forth of the great war, and most people felt that the question must be dropped until after the cessation of hostilities.

But the effect of the war was rather to hasten than to impede the course of electoral reform. For the first

two years it was hardly thought of, being classed amongst the controversial questions which were to be left on one side until the major enemy, Germany, was disposed of. But when the matter was brought to the attention of Parliament and the country by the need of devising means to register men in the army and navy, it was suddenly discovered that reform had almost passed out of the list of controversial questions. Few persons longer cared to maintain that the right to vote should not be extended to all adult males, when the country was calling all capable adult males into war service. The influence of the trenches makes for the truest democracy and the legislators felt that influence. England was avowedly fighting for democracy and she was eager that her political system should be as democratic as it could be made.

In no respect was the effect of the war more striking than in the change which it worked in the status of woman suffrage. Frequently the fact that women cannot bear arms has been invoked as an argument against granting the vote to women. But the course of the present war inverted the argument. For the fighting had not gone on for half a year before it became plain that the women were bearing as heavy and as vital burdens as the men; without the practical aid of her women Great Britain could hardly have continued the war a twelvemonth. By their work in field, factory, and hospital, by taking over laborious tasks of drudgery and thus liberating men for active service, the women proved that they were something more than home-makers in the life of the nation. If, as seemed evident, they were essential to the political existence of Great Britain, it was surely only logical that they should have some voice direct in the guidance of British politics. As the editor of the *Observer*

wrote, "In the past we have opposed the claim for the franchise on the ground that women by the fact of their sex were debarred from bearing a share in the national defense. We were wrong. Women are bearing their full share. . . . Can we longer deny them the right to share in the future of the nation whose fate is entwined in with their very heart strings?"

The behavior of suffragist leaders in the time of crisis benefited the cause. They had been glad to take advantage of the necessities of a party before the war and push their militancy at moments when the Liberals were entangled in the meshes of the Irish problem. But they refused to take advantage of their country's necessity. The militant leaders declared that they would abandon their tactics until the close of the war and that the Government need not fear that it would be harassed by suffragists, but on the contrary might count on them to do all in their power to help win the war.

The effect of this attitude was to cause a tremendous revulsion in favor of woman suffrage. Logic and sentiment yoked together seemed to assure the future victory of the cause. "Where," said the *Nation,* "is the anti-suffrage case? It is in ruins. The physical force argument has broken down in the hour when it seemed to be carrying all before it." Mr. Asquith, who had of old opposed votes for women, speaking as Prime Minister said, "During the war the women of the country have rendered as effective service in the prosecution of the war as any other class of the community. If you are going to bring in a new class of electors, on whatever ground of state service, none of us can possibly deny their claims."

Hence it came about that when the public and Parliament began to reconsider its earlier opinion that electoral

reform must be left until the war was over, and in looking out for those men in service who were disfranchised sought to enfranchise others in order that the next Parliament might be truly representative, the suffrage for women was almost universally regarded as a certain concomitant of any reform that might be undertaken.

The train of events which culminated in the passing of the Reform Act of 1918 really began during the discussions on the Registry Bill of 1916, when Asquith requested the Speaker to select members of both Houses who should confer and attempt to draw up some scheme of electoral reform. The members of the Conference, selected from all parties according to their strength, were to consider franchise and registration reform, redistribution, method of holding elections, and the manner in which the cost of elections should be borne.

Upon the report of this Conference was based the electoral Reform Bill, which, like its predecessors, was officially known, when passed, as the Representation of the People Act. The report, which in its main lines was accepted by Parliament, gave rise to warm discussion only in regard to a few points. The principle of a simple democratic franchise in place of the old complexities, the principle of the equality of the value of votes, even the principle of woman suffrage were agreed upon after debates which seem tame in comparison to those of 1832, 1866, and 1885. Discussion raged chiefly over the question of proportional representation, which was earnestly desired by the House of Lords, as it would have protected the political strength of the conservative element in the counties. The Commons, however, refused to accept it. Conversely the Commons desired the alternative vote for single-member constituencies, where more than two can-

didates were contesting the seat. But the Peers struck out this provision from the bill and the Commons did not insist.

The Reform Act of 1918, as finally passed, meets, at least in large part, the complaints leveled against the electoral system since 1885, and goes far toward removing the barriers to democracy which had been left by the third Reform. It is characteristically British in that it is essentially a compromise; it builds up upon the old system instead of establishing *table rase,* and makes no changes which do not seem to be absolutely demanded by public opinion; at the same time it sacrifices perfect logic in many instances, in order not to offend established habits and traditions.

The most vital alteration accomplished is in the matter of the franchise. All the old complexities, many of which dated from the earliest days of Parliament and which have been confused by the addition of later voting rights, are swept away. In their place is substituted for men a simple residential qualification which permits any man, twenty-one years of age, who has resided for six months in any premises to secure the vote. Males who have served in the war will be qualified at the age of nineteen years. In addition to this franchise, the vote may be secured by the occupation for business, trade or professional purposes of any premises of a clear yearly value of £10. Henceforward uncertainties as to voting rights such as have been experienced in the case of the "latch-key voters" and the difficulties which have attended the acquisition of the vote by lodgers, will be eliminated.

The shortening of the period of residence required from a year to six months, will go far toward preventing the

The Houses of Parliament

disfranchisement of the migratory working classes, many of whom because of change of residence in search of work were, as we saw, unable ever to secure the right to vote. The choice of six months instead of three which had been demanded, was a compromise with those timorous conservatives who feared that the shorter residential qualification would permit the enfranchisement of "vagrants." The new provision for the registration of electors twice a year, however, will go far toward enabling any one who has completed his six months' residential period, to become a voter without undue delay.

More significant and, in its numerical effects at least, more important than the new male franchise, is the granting of the suffrage to women. Again the compromise character of the Reform Act is evident, for the new women's franchise is more restricted than the men's. It grants the vote to every woman over thirty years of age who is herself a local government elector or the wife of a local government elector. The local government qualification is six months' ownership or tenancy of land or premises, lodgers in furnished rooms not being qualified. Except for the exclusion of female lodgers the difference in the age requirement (that between twenty-one and thirty) is the main distinction in point of fact between the male and female parliamentary franchises. Women of the required age who have taken university degrees or, in the case of a university which does not grant degrees to women, who have fulfilled the conditions for the admission of a man to a degree, are to be qualified to vote for university members.

The problem of the plural voter has also been met with a compromise. The Liberals had hoped to abolish plural voting directly and to enforce strictly the principle

of "one man one vote." The Speaker's Conference had agreed that no man should be allowed to vote in more than one constituency at a general election with the provision that an additional vote might be permitted if derived from business premises or if based upon the university franchise. The Act as passed conforms closely to this decision in fact, although the phraseology is different; it enacts that no person may vote in a general election in more than two constituencies. A dual vote is thus allowed, but its exercise is rendered difficult to some extent by the provision that all polls are to be held on one day. No longer will it be possible to travel in one's motor car from county to county, casting votes en route. For the plural voter has been substituted the dual voter; he is a contradiction to democratic principles, but his political importance is not likely to be great. In any event the abolition of the county freehold qualification and the requirement of residence or occupation for all voters would have cracked the electoral power of the plural voter.

The new Reform Act has at least shaken another barrier to democracy in the electoral system by making the government and not the candidates responsible for official election expenses. The cost of registration is to be paid half out of local rates and half by the State. At election times the returning officers' expenses are to be paid by the Treasury. Each candidate must make a deposit of one hundred and fifty pounds, which will be forfeited if the number of votes polled by him does not exceed one-eighth of the total number cast; in any other case the deposit will be returned. The scale of election expenses is drawn up more conveniently and in a manner better calculated to prevent the excessive use of money

for campaign purposes; the maximum expenditure is to be sevenpence per elector in county constituencies, and fivepence per elector in boroughs.

As in the case of the question of "one man one vote," so in that of "one vote one value," the Reform Act represents a compromise. It has provided for a far-reaching redistribution of seats, which so far as Great Britain is concerned establishes for the moment comparative equality in the voting values in different constituencies. But it has not reduced the overrepresentation of Ireland in the House of Commons in view of the undecided character of Irish affairs. (Within Ireland, however, a redistribution is arranged for by a separate bill which will assure approximate equality of the value of votes there.) It is more significant, possibly, that the Reform Act has failed to provide for any periodic redistribution of seats, such as we have in this country, so that with the shifting of population we may expect to see new inequalities develop in the value of votes.

The basis of the redistribution is one member for every 70,000 of the population in Great Britain, and one for every 43,000 in Ireland. To provide seats for the necessary members the membership of the House of Commons has been raised from 670 to 707. Of the thirty-seven new seats, England receives thirty-one, and Wales, Scotland, and Ireland two apiece. (Naturally the Irish contingent is liable to diminution or withdrawal upon the putting into operation of Home Rule.)

From the counties have been taken five seats, all of them situated in sparsely-populated agricultural regions, while forty-four old boroughs have been merged in the county constituencies which surrounded them. The seats thus rendered available, together with the new seats, have

been given to the centers of population and industry. The London boroughs have received three seats, bringing their total number of members up to sixty-two. In Greater London thirteen new boroughs, with eighteen seats, have been erected and in Lancashire eight new boroughs. Elsewhere ten new boroughs have been carved out of the county divisions, making thirty-one new boroughs in all. The older universities have retained their seats in the House of Commons and representation has been granted to the new universities, making fifteen university members in place of nine.

The principle of single-member districts, toward which the Redistribution Act of 1885 seemed to be leading the country, has been discarded. A borough entitled by its population to return three or more members is to be a single constituency, and a constituency entitled to return five or more members is to be divided into two or more constituencies each returning not less than three nor more than five members. The natural corollary to this system of distribution of seats is proportional representation, which, as we saw, the Commons refused to authorize. They agreed, however, that proportional representation might be applied in university constituencies which returned two or more members; eleven seats will be affected. Commissioners, moreover, are to prepare a scheme for the election of one hundred town and country members by proportional representation, which is to take effect if it is approved by resolution of both Houses.

The democratic scope of the new Reform Act may be realized when we remind ourselves that it will add to the electorate more than twice as many voters as did the first three reforms combined. That of 1832 added half a million electors, that of 1867 about a million new

voters, and that of 1884 about two millions. The Reform Act of 1918, it is estimated, will add rather more than eight million, and thus double the existing electorate. Of the new voters, about a quarter, probably, will be men, while of the remaining six million, five will be married women and one unmarried women. The total electorate should number about sixteen millions. Whereas before 1832 those persons entitled to vote represented about one in thirty-two of the total population, and in 1833 about one in twenty-four, after the next registration the voters listed should represent about one in three of the total population.

The Reform Act of 1918, if not a revolutionary step, at least clears away most of the undemocratic survivals which had remained in the electoral system after 1885. It has gone far towards admitting all adult males to the suffrage by its simplification of the franchise, shortening of the residential term required, and the provision for registration twice a year. Above everything it secures the franchise to six million women. It has broken the political power of the plural voter and thrown the official expenses of elections upon the State. It has disturbed the almost uniform system of single-member districts and has carried through a drastic redistribution of seats, which for the moment at least makes nearly equal the value of votes in all the constituencies of Great Britain. The Reform has failed on the other hand to provide for a periodic redistribution and it has kept proportional representation outside the regular operation of the electoral system.

Such deficiencies, however, will not prevent the future historian from regarding the reform of 1918 as quite equal in practical importance to any of its well-known predeces-

sors. It forms a fitting preliminary to the improvement of the mechanism of British government which will be necessary for the solution of after-war problems. The inevitable result of the war will be to necessitate comprehensive and generous schemes of social reform, and for the enactment of such plans a thoroughly democratic and representative House of Commons is essential. As Asquith said in 1908, "You cannot achieve social reform worthy the name so long as your political machinery is obsolete in form and marked by inequality and injustice and does not respond readily and promptly and persistently to the will and generous wishes of the people."

It is to the credit of the statesmen of Great Britain that they have realized the essential truth of this statement and that, with their main energies directed towards the task of defeating Germany, they have not allowed themselves to be diverted from that liberal policy so characteristic of British leaders in the past. The civilized world owes much to Great Britain, not merely because, by fulfilling her promise to Belgium, she saved the confidence of mankind in the faith of nations, not merely because with France she has kept Europe and the seas free from the danger of German domination, but also and perhaps chiefly in that at the moment of severest trial she has remained true to her ideals of democratic government, which are those upon which human progress, in its broadest sense, must always be founded.

CHAPTER IX

ELECTIONS IN THE BRITISH COLONIES

The study of the electoral systems of the British colonies is of the greatest significance, for these self-governing commonwealths represent in many ways the furthest development of the democratic idea that the world has seen. They have inherited the Anglo-Saxon tradition of true representative liberal government; but by the peculiar conditions of their growth, far from the mother country and filled with the expansiveness of ideas characteristic of new settlements, they have escaped from much of the tyranny of the past, which has hampered the democratic development of England itself. We find in them the respect for the rights of the individual, which has always been true of Anglo-Saxon communities, blended curiously with a new conception of the State, as the force whose duty it is to equalize conditions, political and social, as far as is necessary to the attainment of the democratic ideal.

The colonies have been allowed to work out their own problems of representation and their electoral systems depend upon the will of their own citizens. The British government in the first place set up their Parliaments upon democratic lines; but the weak spots in the original system were far more easily discovered than would have been possible in a government hallowed by centuries, and the difficulty of reform and improvement was far more

easily overcome than in the old country. It is easy, therefore, to understand why the colonists, men of thoroughly British instincts and ideals, were not afraid to depart from the methods of the British electoral system, wherever it seemed expedient.

Certain differences in the life and the public opinion of Great Britain and her colonies should be borne in mind, if we are correctly to appreciate why the latter have progressed rather more rapidly on the road to democracy. In the first place, it may fairly be said that the plutocracy is possessed of far less influence in elections in the colonies than in England itself. We have already observed the part played by wealth in British elections, and the almost insuperable obstacles placed in the way of successful electioneering by a poor man. The members of the British Parliament are, with few exceptions, drawn from the landed or the business aristocracy. In the colonies, the opportunities for the entrance of poor or struggling men into politics are more numerous. The capitalist class in the colonies is not, as in the mother country, a caste; as a class it can hardly be said to exist at all, notwithstanding the severe struggles between capital and labor. The capitalist of to-day, in the colonies, is the laborer of yesterday, and such rapid transmigrations of social life prevent effectively the formation of a social caste.

It results that capital holds a far weaker position in elections than in England. It does not impose respect upon the working classes as at home, for the laborers know that the pretended aristocrat was but shortly ago one of their own number. Such a thing as Tory Democracy would be impossible. The prestige of wealth plays

a comparatively small part in the electoral system hardly more than that of birth.

The buying power of wealth, of course, is always of advantage in elections, and enables the rich man to make his electioneering more effective than that of the poor man. But even so, it is less than in England. There are in the colonies no traditions of pocket boroughs which always form the happy hunting ground of the wealthy man who is ambitious for a seat in Parliament; and while instances of electoral corruption can be found, corrupt constituencies are relatively less frequent and the financial influencing of electors more rare. Furthermore, in the colonies the exercise of influence through the promise of peerages and titles cannot be carried on, and the temptation to a rich man to enter Parliament for the social prestige it confers, is less compelling.

Another, and a more directly political factor should be remembered, if we are to understand the quintessence of electoral democracy attained in the British colonies. The chief block to the rapid democratizing of the English representative system has been always the House of Lords. This is true especially of the period from 1885 until 1911, when it may fairly be said that the Lords, either as a support to conservative politicians in the House of Commons or as vetoing directly the House of Commons' Reform Bills, prevented the elimination of the most obvious barriers to democracy in the electoral system. Such an obstacle to reform has not existed in the colonies, with the result that the franchise could be extended and methods of representation reformed in the democratic sense, as rapidly as public opinion demanded.

Naturally any attempt at a detailed description of the electoral systems of all the British colonies would far

transcend the purposes and the limits of this chapter. Such a study, if carried out conscientiously, would fill a book of several volumes. For the mother country has invariably approached the limit of safety in the generosity with which she has given her colonies free representative institutions, and in the vast majority of her overseas dominions are elective systems of one kind or another.

It is a matter of common knowledge that besides the Crown Colonies, of which Gibraltar or Hong Kong may be taken as examples, and which are entirely controlled by the home government, the British colonies form two classes,—those possessing representative institutions but whose officials are appointed at home, and those possessing responsible government, in which the ministers are dependent upon the popular branch of the legislature. In both classes elections form a part of the political life of the colony, although in the latter class they are of far greater importance than in the former. It is with the latter that we are here concerned, for space forbids that we deal with the elective institutions of such colonies or protectorates, as the Bermudas, Rhodesia, India, or Egypt. We must confine our study, which at best is of the most cursory kind, to the great self-governing commonwealths of Canada, Australia, New Zealand, and South Africa. For these are the colonies which, despite the ties which bind them to Great Britain, are none the less great world states and essentially masters of their own destinies. Canada, both because of its proximity and because it is the oldest of the great federations, naturally first claims our attention.

Previous to 1867 the various possessions of the British Crown on the North American Continent were separate

colonies, five in number: Upper and Lower Canada (Ontario and Quebec), New Brunswick, Nova Scotia, Prince Edward Island, and Newfoundland. For a generation before that year they had received generous treatment from the mother country and most of the elements of dissatisfaction which, in 1837, had been fanned into rebellion, had subsided. Lord Durham, who had been sent out to study the causes of trouble, had reported in favor of free constitutional government, which had been granted in large measure. They were far, however, from union, Ontario and Quebec alone being joined together. The desire for some sort of a federation was keen, and in 1867 was satisfied when the British Parliament passed the British North America Act, which authorized the formation of the colonies into the Dominion of Canada; a federation which had already been prepared for in Canada.

According to that Act, Upper and Lower Canada, Nova Scotia, and New Brunswick were united in a federation and provision was made for the admission of other provinces. Newfoundland remained outside, but Manitoba became a member of the union in 1870, British Columbia in 1871, and Prince Edward Island in 1873. Out of the territories which had been purchased from the great Hudson Bay Company were carved two other provinces, Alberta and Saskatchewan, which were admitted to the federation in 1905.

The British North America Act provides for a federal Parliament which has jurisdiction over all questions which affect the Dominion as a whole; local affairs are administered by provincial legislatures in each province. Conversely to the theory which obtains in our own country, all powers which are not definitely and specifically

granted to the Canadian provincial governments are vested in the federal government.

The Dominion Parliament consists of two Houses,—a Senate and a House of Commons. The former is not an elected body, its members being named for life by the Governor-General, who represents the British Crown and exercises the executive power. The Senate previous to the existing Parliament numbered eighty-seven members distributed amongst the provinces as follows: Quebec, 24; Ontario, 24; Prince Edward Island, 4; Nova Scotia, 10; New Brunswick, 10; Manitoba, 4; Saskatchewan, 4; Alberta, 4; British Columbia, 3. By an amendment to the British North America Act (passed in April, 1915) which went into effect at the end of the Parliament then sitting, the number of Senators was increased by nine so as to total ninety-six. The new Senators were granted to the western provinces in order to provide them with fairer representation in the upper House: Manitoba, Alberta, and Saskatchewan received two new Senators apiece, and British Columbia three new Senators.

It is evident that the government of Canada, federal in form, differs from that of Australia and the United States in that the separate states are not equally represented in its upper House. The fact that that House is nominated and not elected might also seem to indicate tha democracy is not so far developed as in the other British self-governing commonwealths. The assumption, however, would not be justified by the facts, for the House of Commons is the determining force in the government and this is amongst the most democratic chambers of the world. To the majority in this House are responsible the ministers, and this principle of Parliamentary government forms the essential characteristic, not merely of

the Dominion government, but of the governments of the separate provinces.

The House of Commons consists of two hundred and twenty-one members, whose seats are apportioned amongst the separate provinces according to the population of each. The apportionment is determined in an interesting fashion, namely, by the population of the province of Quebec, which is always to have sixty-five seats; each of the other provinces is to have such a number of seats as will give the same proportion of representatives to its population as the number sixty-five bears to the population of Quebec. Because of the remoteness of Saskatchewan and the sparseness of its population, it has received exceptional treatment. The distribution of seats is revised after each decennial census.

At the census of 1901, which determined the distribution of seats for the last Parliament, the population of Quebec with its sixty-five seats was such as to give this province one seat to every 25,367 of its population. This number, accordingly, became the basis for calculating the seats to be allotted to the other provinces, so as to give to each the same ratio of representatives to population. They were distributed thus: Quebec, 65; Ontario, 86; Nova Scotia, 18; New Brunswick, 13; Manitoba, 10; British Columbia, 7; Prince Edward Island, 4; Saskatchewan, 10; Alberta, 7; Yukon, 1. In the present House of Commons, which was elected in the fall of 1917, the distribution of seats is based upon the census of 1911 and gives to the western provinces a decided increase of representation. The quota of Quebec has become one seat to 30,819 population. The new seats are allotted as follows: Quebec, 65; Ontario, 82; Nova Scotia, 16; New

Brunswick, 11; Manitoba, 15; British Columbia, 13; Prince Edward Island, 3; Saskatchewan, 16; Alberta, 12; Yukon, 1.

The voting franchise for the representatives in the Canadian House of Commons is not uniform. As in the South African Union, the various suffrages in force in the several provinces have been adopted as the bases of qualification for elections to the federal Parliament. In all but Quebec, Nova Scotia, and New Brunswick, the franchise is extremely democratic,—in essence simple manhood residential suffrage. But in the three mentioned a property or income qualification is required, or else special proof of intellectual capacity. In Quebec a claimant is qualified by the ownership or occupancy of real property, or by the possession of an income or personal property of specified amounts, ranging from one hundred to three hundred dollars. He may also claim the vote if he proves his position as clergyman or teacher. He must have resided for five months in the electoral district in which he claims to vote. In New Brunswick and Nova Scotia the income and property qualifications are similar, but the term of residence is twelve months.

In the other provinces no property qualifications are necessary, and all males over twenty-one years of age may claim the vote, provided they have fulfilled the specified term of residence. That term varies. In Ontario it consists of nine months within the province, and within the municipality where the elector votes, from the time fixed for the beginning of making up the assessment until the date of voting. In Manitoba and Saskatchewan it is twelve months in the province and three months in the electoral district. In British Columbia it is six months in the province and one month in the electoral district.

In none of the provinces has the vote been granted to women, although the sentiment in favor of woman suffrage has constantly increased during the war. Plural voting is expressly prohibited.

The process of making up the electoral lists, which in the mother country has caused such difficulties, in Canada is left to the provincial governments, although it is kept under the supervising care of the Dominion government. The voters' lists for federal elections are the provincial electoral lists in force for provincial elections, but these lists must not be more than twelve months old. When they are "stale" the federal government appoints all necessary officers to prepare new voting lists for the Dominion elections. All the expenses of registration for Dominion elections are paid by the Treasury.

Expenses of holding the election and taking the poll are likewise paid out of Treasury funds, so that the burden which has until now fallen upon the candidates in England, is spared the candidate in Canada. Polling is on the same day throughout the Dominion, the polls being open from nine in the morning until five in the afternoon. As in the mother country, the provisions against corrupt or illegal expenditure are strict. But unlike England and most of the other colonies no limit is placed upon the amount that may be spent in the electoral campaign, provided that the candidate refrains from illegal expenditure.

The democracy of the Canadian electoral system is equaled or surpassed by that organized in the Australasian colonies. One of the most remarkable phenomena of nineteenth century history is the development of the convict colony of Botany Bay with its outlying settlements into the great continental democracy of Australia. Until the very beginning of that century European civil-

ization had failed completely to reach the great island. It was almost a No Man's Land, or worse, from the western point of view, and the sole right that England could put forward as basis of future possession lay in the rather empty claims of Captain Cook, which he made during his voyages of discovery between 1768 and 1779. After 1787 cargoes of convicts were transported to Botany Bay, and these men, when they had served their sentences, were given land and allowed to start small farms. Free settlers also emigrated from England, ultimately in large numbers and of fine stock; they were able at last to stop the system of convict transportation, first in New South Wales in 1840, then in the other colonies. By 1853 Australia was freed from the taint, and no more criminals were brought in.

Because of the development of wool production and the export of hides, and especially as a result of the discovery of gold in 1851, the population and wealth of the six Australian colonies increased with amazing rapidity. The land was rich in its capacity for cattle and sheep raising, in its mineral wealth, and especially in the type of settlers: for the people of Australia are racially amongst the purest of Anglo-Saxon stocks. For this reason, amongst others, the political development of Australia has been steady. Constitutional self-government and ministerial responsibility were granted to all the Australian colonies except Western Australia in the fifties, and to the latter in 1890. Finally, all were joined together in 1900 in a federative democratic union known as the Commonwealth of Australia. The five most important, New South Wales, Victoria, Queensland, Southern Australia, and Tasmania, had declared their desire for such a federal union; and this was recognized by the British

Parliament, which on July 9, 1900, passed the act which constituted the Commonwealth. This act provided for the later incorporation of Western Australia if that colony desired. The colony approved the arrangements for its inclusion, and on January 1, 1901, the proclamation of the Australian Commonwealth was issued. Henceforth the six colonies were to be known as states, which delegated federal powers to the Parliament of the Commonwealth, in much the same way that our own states delegate power to the federal Congress.

Executive power in the federal government is exercised by a Governor-General who represents the British monarch. Legislative power belongs to the federal Parliament, which consists of a Senate and a House of Representatives. There are thirty-six Senators and seventy-five Representatives, who until recently were chosen according to the suffrage laws of the separate states, but now upon a common democratic franchise. Under ordinary circumstances Senators serve a term of six years, half of the Senate being renewed every three years. In case of serious and apparently irreconcilable disagreement with the House of Representatives, the Senate may be dissolved and a new Senate elected. The Representatives are chosen for a term of three years, but the House may be dissolved before the completion of such a term.

Senatorial seats are distributed in such a way as to give six to each of the six original states, regardless of the population of each. In this respect the system resembles our own. The seats for the House of Representatives are distributed roughly according to population and each of the electoral districts has approximately an equal number of electors. In drawing up the boundaries of the electoral districts the Commissioners were instructed to give

due consideration to physical features, means of communication, and the provision of conveniences for the electors on their journeys to the polls; they were not to attempt to make each constituency mathematically equal to its neighbor. But the margin of difference was in no case to exceed one-fifth of the average constituency. A redistribution of seats may be made, when necessary, by proclamation of the Governor-General. In New South Wales and Queensland provision has been made for a periodical redistribution.

According to the constitution each of the original states must be allotted at least five seats. As a result of the last census returns (1911), the seats are distributed among the six states as follows: New South Wales, 27; Victoria, 21; Queensland, 10; South Australia, 7; Western Australia, 5; Tasmania, 5.

Until recently the federal franchise was the provincial franchise of each state. The electoral qualification in elections of Senators and Representatives was, as in this country, the qualification necessary to vote in elections for the most numerous House of the Parliament of the state in which the elector was competent to vote. But an electoral Reform Act has unified the franchise for all of Australia, and has given the right to vote to all persons, male and female, who are natural-born or naturalized subjects of the British Crown, who are at least twenty-one years of age, and who have resided continuously in Australia during a period of six months. Aborigines are particularly excluded. Except for this last proviso, the voting franchise of Australia is one of the purest democracy. Plural voting is expressly prohibited.

Australia has also gone far in developing the technical details of holding elections. In the process of making up

the lists, registration, she has profited greatly by the difficult experiences of the mother country, where the officials have been untrained and the lists often unsatisfactory. The Australian voting lists are made up by a chief electoral officer for the Commonwealth, who is assisted by a federal electoral officer in each state and a divisional returning officer for each electoral constituency. There is also an electoral registrar and an assistant returning officer. Thus in contrast to England, where for a long time electoral duties were regarded as of comparative unimportance and shifted on to the backs of already overloaded officials, Australia has a wealth of electoral officials who have nothing else to do but to see that the mechanism of elections runs smoothly.

The function of voting is similar to that prevalent in other democratic countries. Naturally the Australians are proud of the fact that the system of voting by ballot in the form well known to Americans had its origin in Australia, and that this kind of ballot has since been known as "Australian." What is peculiar to the system is the provision for absent voters. If any female elector desires to vote by post she may make application for a postal voting certificate, which, when duly witnessed and attested, may be sent by mail and if correct in form will be counted. Any elector, male or female, who has reason to believe that illness or infirmity may stand in the way of his voting, has the right to apply for such a postal voting certificate.

In Queensland the alternative vote has been enacted, to take effect when more than two candidates are standing for one constituency. Under this system, the voter has the option of placing figures (2, 3, 4, etc.) opposite the names of candidates other than the one for whom he

votes, in the order of his preference. If no single candidate obtains a clear majority, the two candidates who have the most votes obtain the credit of the second or third choice indicated on the ballots of electors who indicated other candidates as their first choice. It is a scheme to secure the advantages of the second ballot without its confusion and waste of time. As we may remind ourselves, the alternative vote was advocated by the majority of the House of Commons in the discussions on the Reform Bill of 1918, but it was rejected by the Lords.

There are in Australia strict laws for the prevention of electoral corruption. Expenses in the candidate's campaign are limited to two hundred and fifty pounds in the case of a man standing for the Senate, and to one hundred pounds in the case of a candidate for election to the House of Representatives. Offenses against the Corrupt Practices Acts may result in penalties ranging from two to two hundred pounds, and terms of imprisonment from a month to two years. The High Court has jurisdiction in the trial of all election petitions which are brought for the voidance of elections. It may itself try them or refer them to the Supreme Court of the state in which the election was held. All the decisions of the Court, which is thus constituted as the Court of Disputed Returns, are absolutely final and cannot be questioned in any way. The power of declaring an election void is not to be exercised except in case of bribery or undue influence, unless the court is satisfied that the result of the election was actually affected by the corrupt or illegal practices proved against the candidate or his agents.

In the great sister island of New Zealand electoral democracy has progressed with parallel strides. Here, as in Australia, colonization was slow, and despite the

fact that New Zealand had been annexed in theory by Captain Cook, his claims were disavowed and it was not until 1840 that the country was brought under the British flag. Only twelve years later, however, self-government was granted to the colony and in 1856 full parliamentary government with a responsible ministry was set up. By the Constitutional Act of 1852 New Zealand was first made up of six distinct provinces with elective councils. But in 1876 the provincial system was abolished and a government similar in form to that of the other colonies was established. Executive power is exercised by a Governor who is appointed by the British Crown; while legislative power is given to the Parliament, which is made up of a Legislative Council or upper House, and a House of Representatives.

The seats of the House of Representatives are distributed according to population. After each census the whole colony is divided into equal electoral districts with one member to each constituency. Regard is had, however, for the sparsely settled rural districts, for in computing the population for purposes of distribution, twenty-eight per cent is added to the country districts. The work of revising the boundaries of the electoral districts is undertaken by two commissions, each consisting of five members, one commission acting for the North Island and the other for the South Island.

The franchise in New Zealand is even more democratic than that of Australia, in that provision is made that the Maoris (the aborigines) shall have four seats of their own. Manhood suffrage was introduced as early as the seventies by Sir George Grey, at a time when the mother country was still far from true democracy in her system of elections. When Richard Seddon took office in 1893

he applied his first efforts to the completion of the plans of his immediate predecessor, who believed thoroughly in votes for women, and the electoral Reform Act of that year gave to adult women the same voting rights as men. At the present time, therefore, every adult person, male or female, unless an aborigine, is qualified to vote, if he or she has resided for one year in the colony and for three months in the electoral district where the claim to vote is made. As in Australia, provision is made whereby women shall not lose their votes even if they change their names or their state by marriage, during the currency of the register on which they have been enrolled under their maiden names. Plural voting is expressly prohibited.

The process of making up the lists is similar to that practiced in Australia, with a full force of official registrars, and the district registrars are made up annually.

Voting is by ballot, the polls being open from nine in the morning until six in the evening. Licensed premises are closed after midday, and a general holiday is proclaimed from noon of election day. If voters are to be absent from their districts on the day of polling, they may apply for a permit to vote in another district; such application must be made before the issue of the writ. All the expenses of the returning officers and the general costs of the election are paid by the State. As in Australia, provisions are made against corrupt and illegal expenditure and the amount which a candidate for election to the House of Representatives may spend in his campaign is limited to two hundred pounds.

The South African Union, the very existence of which affords, perhaps, the clearest indication of the generosity as well as the wisdom of British policy towards the colonies, was formed in 1910, following upon the passage of

the South Africa Act by the Parliament of the United Kingdom, September 20, 1909. The Union is made up of four provinces, the Cape of Good Hope, Natal, the Transvaal, and the Orange Free State. It is hardly necessary to remind ourselves that the events which led up to the Union had been precipitated by the struggle between the Boers and the British in the closing years of the nineteenth century; a struggle in which the former were defeated after two years of desperate fighting. The Boer states, the Transvaal, and the Orange Free State were occupied by British armies and in 1900 annexed to the British Empire. Only six years later, however, free responsible government was granted to each colony, thus securing to the inhabitants of the two provinces, even though they were predominantly Boer in race, equal political rights of self-government with the citizens of the Cape Colony and Natal. The Union of 1910 made the two Boer states, with the others, members of a free commonwealth.

The executive power of the South African Union is lodged in a Governor-General, who is appointed by the British Crown and represents the King. He administers his executive functions in conjunction with an executive council, which is nominated and not elected. Legislative power is in the Parliament, consisting of two Houses, the Senate and the House of Assembly. The Parliament of the Union is supreme in all matters within the Union, subject to the extremely slight and in fact nominal restrictions which are imposed upon all British colonial assemblies. As in Canada and Australia the principle of democracy carried out through a popularly elected assembly is thus maintained in South Africa.

Although Parliament has supreme authority, it dele-

gates to provincial councils the control of many questions which are of a purely local nature; to these councils are given by the constitution, legislative and administrative powers within certain local limits. Parliament has ultimate authority, however, and legislation passed by any of the provincial councils may be quashed by the central assembly at any time. Furthermore, any law enacted by a provincial council which is inconsistent with the letter or the spirit of a law of the central Parliament will not be regarded as effective nor enforced.

Both the Senate and the House of Assembly of the Parliament are made up upon a provincial basis, although the government of the Union is not to be regarded as federalist in character. The Senate consists of forty members. Of these eight are elected by each of the four original provinces of the Union; the remaining eight are nominated by the Governor-General. The House of Assembly is composed of one hundred and thirty members, whose seats are allotted in varying proportions to the four provinces. The Cape of Good Hope has fifty-one, the Transvaal forty-five, Natal and the Orange Free State seventeen apiece. The allotment is not in proportion to the population of the different provinces, the last two being very much over-represented. But the expectation is that the basis of allotment will be changed from a provincial to a national type so that population alone shall determine the distribution. Elaborate provisions determine the manner in which the seats in any province shall be increased in number, in the event of an increase in its adult white population. This process is intended to go on automatically until the number of seats shall equal one hundred and fifty. After this number has been reached there will be no further increase, but the seats will be re-

distributed without reference to provincial boundaries in proportion to the number of European male adults.

Within the separate provinces the principle of "one vote one value" is recognized at least in theory, and the distribution of seats in each of them corresponds with a rough exactitude to the centers of population. Before the first election each province was divided into single-member districts, each of which contained approximately the same number of electors as its fellow. The boundaries of these districts were drawn by a special commission, which was allowed to arrange the constituencies in the most convenient manner regardless of strict quotas, provided that they did not depart from the standard quota by more than fifteen per cent, either above or below it. Periodical redistribution, to meet the shifting and increase of population, has been provided for and is to be carried into effect after each quinquennial census.

Elections to the Senate can hardly be said to have assumed as yet a fixed and definite character. Except for the eight Senators, nominated by the Governor-General, the members of the first Senate were elected by the two Houses of the Legislature in each of the four self-governing colonies. Their term was to be for ten years. In case of any vacancy arising in the representation of a province in the Senate, the seat is to be filled by the votes of the provincial council. At the end of the ten-year period, if no other provision has been made by the Parliament in the meantime, the second Senate will be elected by the provincial councils and the members of the House of Assembly residing in each province, conjointly. Thus in each of the four provinces there will be an electoral college composed of provincial and national representatives, which will choose the eight Senators to

which that province is entitled. In any case the election of the Senators is to be by proportional representation.

Elections of members of the House of Assembly are in the hands of the people, and the right to vote in each province is determined, broadly speaking, by the electoral customs of each colony before the union. There is no uniform electoral franchise for the entire South African Union. It would, in all probability, have been impossible to provide for such a uniform franchise, because of the difficulty of reconciling the different forms of suffrage to which the citizens of the different colonies were accustomed. In the Cape Colony no distinction was made between colored persons and whites, whereas in the other colonies the feeling against the enfranchisement of the blacks was insurmountable. It would have been as dangerous to deprive the colored voters of the Cape of their political rights, as it would have been to insist upon the vote for negroes in the Transvaal. On the other hand, the people of the Cape and Natal were used to a property qualification for electors and were irreconcilably opposed to the system of manhood suffrage which had been put into operation in the Transvaal and Orange River Colony.

Because of these difficulties the parliamentary franchise of each province was left undisturbed at the time of union. The native blacks, however, who already possess the right to vote, are guaranteed by law that they shall not be disfranchised on account of color.

In the province of the Cape of Good Hope the franchise qualification depends upon the occupation of property, or the proof of material well-being and intellectual power by the receipt of a respectable salary. The vote is given to every male over twenty-one years of age who occupies within the colony a house, warehouse, shop or other build-

ing of the value of seventy-five pounds. In the electoral district of Cape Town the required value is only twenty-five pounds. Persons claiming the vote must show that the period of their occupation has lasted for twelve months prior to the day of registration, and that for the final three months it was within the electoral division in which the person was making claim. The vote is also granted to males who have been in receipt of a salary or wages of at least fifty pounds a year, earned within the province during the twelve months preceding registration day. In Cape Town, if a man receives a salary or wages of twenty-five pounds a year, provided that it is accompanied with board and lodging, he may qualify as a voter. All electors must be natural-born or naturalized subjects of the British Crown, and all, when claiming, must prove their ability to sign their names and write their address and occupation.

In the Transvaal and the Orange Free State the franchise is of a more democratic character than in the Cape, if we except the provisions for the disqualification of negroes. It is the same in both provinces. Roughly speaking, every male white subject of the British Crown over twenty-one years of age is entitled to the vote, provided that he is not on full pay as a member of the regular army, has not been imprisoned for certain specified crimes, and has not been in receipt of poor relief within six months of the day of registration. Voters must have resided within the province for a period of at least six months. Adult manhood suffrage, excluding the blacks, and with a residential qualification similar to that now in force in Great Britain, is thus the rule. The disqualification for the receipt of poor relief, which has been

abandoned in Great Britain and which is hardly consonant with pure democracy, is, however, maintained.

In Natal the franchise, like that of the Cape of Good Hope, rests upon a property qualification, although the right to vote may also be secured by the proof of continued residence and the receipt of a respectable income. The suffrage is granted to males of full age who own lands or houses worth fifty pounds, or who rent such property if it be of the yearly value of ten pounds. The vote may also be claimed by men who have lived for three years in the province and who have incomes of not less than ninety-six pounds a year. Natal, unlike the Cape of Good Hope, does not admit negroes to the franchise, except under extremely rare circumstances. Colored persons are not excluded by name from voting rights, but the law states that no person subject to special laws or tribunals shall be entitled to vote; and natives are included in this category. Another law, directed against the Indians, excludes from the franchise natives, or descendants of natives in the male line, of countries which do not possess elective representative institutions. Exemption from the scope of these provisions may be granted by the Governor-General, and under such special exemptions a few Kaffirs are on the roll of electors.

The details of electoral procedure do not differ greatly in the separate provinces of the South African Union, and on the whole closely resemble those of the other more democratic countries of to-day. The voting lists are made up in each electoral division by special registering officials. In the Cape the expense of making the electoral lists, which are renewed every two years, is borne by the State. In the Transvaal and the Orange Free State the date of the commencement and completion of the lists is

fixed by proclamation. Here also fresh registers are to be prepared only at the expiration of two-year periods. The length of this period contrasts strongly with that adopted in the last Reform Act in England, which provides that a new register be made every six months; a British voting register would be hopelessly stale at the end of two years.

One old aspect of British elections, which even now is only partially removed in the mother country, is not to be found in the South African system: the principle of plural voting. "One man one vote" is firmly established as a fact and it is expressly laid down that no person shall vote more than once at the same election. In the Cape of Good Hope heavy penalties are imposed for plural voting (Registration of Voters Act, 1899). In any case it would be difficult to vote in two constituencies, because of the great distances and the fact that all elections are held on the same day. Polls are open in the Cape from eight until six; in the Transvaal and the Orange Free State from eight until eight.

All voting is by ballot and care is taken to ensure secrecy and prevent intimidation and corruption. The Corrupt Practices Law follows closely along the lines of the British Act of 1883, which we have already discussed, and the categories of corrupt and illegal practices scheduled are similar to those laid down in the mother country. If such practices are committed with the knowledge and consent of the candidate or his agent, the election of the former would be declared void.

The amount which may be spent by a candidate in his electoral campaign is closely restricted. In the Cape of Good Hope he is allowed one hundred and fifty pounds for personal expenditure; besides this he may spend one

hundred and fifty pounds upon a constituency containing a thousand voters, and twenty-five pounds more for each complete additional five hundred electors. In the Transvaal and the Orange Free State, two hundred pounds is allowed for a constituency of a thousand voters and twenty-five pounds for each additional five hundred voters. The cost of taking the poll and all the official expenses of elections is laid upon the candidates in the Cape of Good Hope, as was the case in Great Britain before the new Reform Act. In the Transvaal and the Orange Free State the expenses of the returning officers are also charged to the candidates, but the pro rata share of each candidate is limited to fifty pounds.

Enough has been said in this brief survey of the colonial elective systems to warrant the statement that they have gone farther towards pure democracy in elections than any other states of the world, with the possible exception of some of the smaller European nations. Disregarding two of the provinces in South Africa and three in Canada, there is for white men simply a residential manhood suffrage qualification; even in the Cape of Good Hope and Quebec the property qualification is so slight as to amount almost to manhood suffrage. In New Zealand and Australia there is universal adult suffrage for women as well as men. In all the colonies the principle of plural voting, so contrary to true democracy, finds no place.

All the colonies are committed to the principle of the equal distribution of seats, and in most of them provision is made for periodical redistributions. Provisions are also made in Australia and New Zealand for sick or absent electors to record their votes at a distance or through the post. Another democratic characteristic is that the cost

of taking the poll is laid, not on the candidate but on the State.

If England is the mother of Parliaments and thus of parliamentary elections, her children throughout the world have proved true to the principles of liberal democracy which she first inspired.

CHAPTER X

ENGLISH INSTITUTIONS IN AMERICAN ENVIRONMENT

THE history of colonial institutions in the New World is too often written as though they were a native product like tobacco and potatoes, grown without the fertilizing influence of English tradition behind them. The fallacy of this conception is manifest, so far as the systems of elections in the colonies are concerned. Like colonial trade and colonial government those systems must be viewed in the light of the English conditions and traditions from which they were derived. In many ways they were no more than the ancient usages of England transplanted to a new soil. This was especially true in the colonies which were directly under the royal eye; for the policy of the Crown was to favor, if not to command, conformity to the institutions of the mother country. Variations of the type, of course, developed in colonies which, like New England, were left largely to their own devices. New forms of voting and new suffrage qualifications were the result of frontier conditions, and of the fact that the colonists were often little in sympathy with English tradition. But even in the colonies which early showed the largest degree of independence, there is before the Revolution a steady approach to the English electoral system of the eighteenth century.

In the South the suffrage resembled that of the English

boroughs in which all adult, male housekeepers possessed the franchise. The English borough franchise was almost exactly paralleled by the systems in the large towns of the North, like New York and Albany. "The English freeman borough, the householder inhabitant borough, and the corporation borough all have their counterparts in America." Even more general was the imitation of the English county franchise, based on the freehold of a piece of land. The required amount of land was expressed in the colonies in one of three ways: by its money value; by the annual return it yielded; or by the size of the tract. New England and New York for a part, if not all, of their history retained the historic forty shilling freehold qualification, as one of the alternative means of acquiring the vote.

In the machinery of elections the mother country exercised a very strong influence over the colonies, partly from natural kinship of all Englishmen, partly from design. Her influence was felt differently in each of three groups of colonies: the corporate colonies in the northeast; the middle colonies more directly under the King; and the proprietary colonies. The first group developed some of the most novel innovations grafted upon English institutions in America. The second group transplanted the English system almost bodily across the Atlantic. The third picked and chose from the experience of the others, eventually working out a system midway between them, with many of the good features of each. The colonies of all groups, however, kept many of the picturesque details of old England.

So seldom did the colonists on the scattering settlements come together that the annual election day was a gala event. An election might be called on a day fixed

either by law or by an executive writ. The place of the Lord Chancellor or the Lords Commissioners of the Great Seal in England was taken by the governor of the colony. In New England the annual court of election was held on a fixed day, generally in May or October. Elections in the colonies south of New York were more often called by writ. If special elections were necessary, they were generally called by the governor at the petition of the Assembly, a procedure exactly parallel to that in England. To give due notice the writ had to be widely advertised, for men rarely came together except for church worship. Three weeks in advance notices were posted at the church door, where men would discuss the shortcomings of the present government along with those of the minister. Placards were also put on trees on all the roads leading to town. Nor were these precautions enough. The writ was read in the churches, and the sheriff announced it from house to house, or read it in the town-square. Except for the energetic activity of the sheriff, there was little of the preëlection bustle and electioneering of England.

As in England, the hours during which votes might be cast on election day were specified. They began at nine or ten in the morning and were often concluded as early as two in the afternoon. In the royal colonies alone was the English system of taking the poll adopted. As we have seen, that called for an oral vote or a show of hands to decide the result. If any candidate or voter demanded it, a poll must be taken, which might last for days. So great was the solicitude for the voter's convenience, that in Virginia the sheriff appeared at the planter's gate and wrote down his vote, without calling him from his plow or his tobacco shed. In some of the

proprietary colonies there was a booth for voting, with a poll-clerk who had charge of the poll-book. Watchers might stand by to prevent illegal voting. The poll-book contained in orderly columns the names of the candidates, over against which were set down the names of the voters. If a man did not vote at once for all the representatives to whom he was entitled—and he often voted for but a part of them—he could not complete his ticket later. Voting continued until all the electors had been heard from, or until the closing of the polls had been thrice proclaimed from the court house door. In such small communities as were common, the poll-clerk could reckon from his personal acquaintance, when all the electors had appeared; and judging by the small lists of voters whose records have been preserved, his task was not arduous.

It was an early custom to return the result of an election by an indenture signed between the sheriff and all the electors. But gradually three or four "reputable men" came to stand for the whole body, and became the ancestors of the election officers. They signed a document stating the result, thereby becoming responsible for the accuracy of the returns. This system existed even in the provinces less directly under the king. Like the other parts of the election, its details were regulated by statutes derived from the English law.

In the last half of the seventeenth century the royal government pressed its policy of harmonizing the property qualification in the colonies with that in England. The early colonies went through a period—when a vaguely, defined suffrage was nominally the right of a large number of inhabitants. England had been as vague in her own franchise in the fourteenth century. But as she

had definitely restricted the vote to a part of the Englishmen in England in the fifteenth century, she also urged the colonies to do likewise in the seventeenth. Colonial assemblies began to hedge in the suffrage with restrictions calling for ownership of land. Some colonies took the step at the suggestion of the Crown. Others saw their broad suffrage limited by the terms of a royal charter or the King's instructions to a new governor. The abolition of virtual manhood suffrage in Virginia in 1670 was due to the influence of the Cavalier element and English traditions. Governor Berkeley was instructed to "take care that the members of the assembly be elected only by freeholders as being more agreeable to the custom of England, to which you are as nigh as conveniently you can to conform yourself." The Maryland assembly declared that "the best rule for this province to follow in electing of such delegates and representatives is the precedents of the proceedings of the Parliament in England." Undoubtedly the Stuarts after the Restoration desired to shape the political life of the colonies, because of the same livelier interest in them after 1660, which showed itself in a new commercial policy as well.

Nevertheless it is probable that, had England not intervened, the colonists themselves would in the eighteenth century have restricted the franchise to property owners. There was in America a strong regard for real estate as the exponent of a man's interest in the state. In passing an act discriminating against the landless freemen, the Maryland Upper House justified itself thus: "The freeholders are the strength and only strength of this province, not the freemen. It is their persons, purses, and stocks must bear the burden of the government, and not the freemen who can easily abandon us." The early set-

tlers who had received large grants of land naturally wished to keep the power which had originally been theirs. As more and more settlers crossed the Atlantic, or as the first grants were divided up through inheritance, or as former indentured servants bought small tracts, society split into large and small freeholders. As the frontier line retreated from the seaboard, the supply of free land became more difficult of access, and the distinction tended to become permanent. The large proprietors, usually with the support of the governor and council, commuted their favored economic status into political privileges. They would have done so without the aid and abettal of the Crown, for political ideas were the same in England and America in the seventeenth century.

Although there were, as we have seen, many close similarities between the electoral systems of England and her colonies, particularly her royal provinces, it is of greater interest to see how a new environment and the strength of the democratic spirit leavened the old institutions on American soil. The franchise in the early colonies was wider than that which Englishmen possessed at home. Virginia and Maryland allowed all inhabitants to vote until after the middle of the seventeenth century. In New England the restriction on the franchise was one of religion rather than of wealth. Where a property qualification was demanded, it did not limit the electorate as it would have done in England, since it was easy for the early settlers to obtain land. In South Carolina, for example, the requirement for electors was at least 50 acres. The smallest grant to freemen settlers was seventy acres, so that all freemen, and indentured servants after they had served their term, were assured of political rights. From the unlimited supply of free land there

arose a fundamental difference between the meaning of the property qualification in England and America.

Though in many colonies the amount of land required took the ancient form of the forty shilling freehold, there was often an alternative which was peculiarly American. In America the right to vote by virtue of personal property was a democratic recognition of that class of wealth which centers in towns. Nine of the thirteen colonies accepted the possession of a personal estate, ranging in value from £10 to £50.

Instead of exclusive insistence on the ownership of land, the colonies also based the right to vote upon another qualification—religion. Requirements of a good, moral character were found south of New York only in Virginia (after 1762) and in Penn's Frame of Government, which excluded those guilty of unsober and dishonest conversation. More often the limitation was more narrowly worded so as to specify the creed which voters must accept. The most widely persecuted sects were the Jews and the Roman Catholics. Four colonies outside of New England disfranchised those who did not believe in "Jesus Christ the Son of God and Saviour of the World"; seven restricted the suffrage to Protestants. Hostility to the Romanists reflected English conditions, in that the periods of the Commonwealth and of the Revolution of 1688 were marked by more aggressive enactments of the colonial assemblies against them.

The New England colonies were naturally the ones where the religious qualifications were most stringent. Cotton said, "None are so fit to be trusted with the liberties of the freemen of this commonwealth as church members; for the liberties of the freemen of this commonwealth are such as require men of faithful integrity

to God and to the State to preserve the same." This remark is a companion to Cotton's strictures against democracy. The Puritan colony depended for its success on its founders' ideals upon solidarity of purpose and unity of sympathy among its members. It was never intended for a religious refuge for all persecuted Nonconformists, least of all for a democratic government, in which even the irreligious took part. To preserve the ecclesiastical ideals which had driven them to the New World the Puritans of Massachusetts Bay saw themselves forced to exclude from the freemanship all who were not members of churches within the limits of the colony.

Such a definition of citizenship, however, involved two uncertainties: what was meant by a church, and what was intended by the word, "membership." The first settlers believed that seven or more Christians could establish a church, with an elected pastor, and with beliefs and organization based upon the Word of God. This broad Congregationalism allowed divers heresies to gain lodging, which seemed to crack the foundation of the colony. Roger Williams carried but few in his train, when he was expelled, first to Salem and then to the wilds of Rhode Island; but the Hutchinson and the Wheelwright affairs were in a real sense political crises, because they discovered in the electorate a group whose beliefs were considered subversive of the solidity of the government. In 1635-6 such unlicensed bodies were prevented for the future by the rule, that no group should be recognized as a church unless sanctioned by the magistrates and the elders of the other churches, and that only the members of such approved churches could vote. The law was retroactive, for those already members of dissenting con-

venticles were disfranchised or banished to avoid the apparent hazard of ruin to the whole.

After 1650 another effort was made to broaden the suffrage by extending the meaning of church membership. Did the term mean only that a person had been baptized and that he still observed the obligations of baptism? Or were only those to be accounted members, who had presented evidence of regeneration and had been accepted into full communion by the congregation? The latter ruling would exclude many upright persons who had been baptized, but who could not bring themselves to rise in meeting and make a declaration which they deemed hypocritical. By the Half-Way Covenant of 1657, however, such luke-warm Christians were barred from full communion and, in consequence, from civil as well as ecclesiastical elections. Six years later the electorate was further narrowed by requiring all voters to be not only church members, but also regular attendants at divine worship.

Could the colony have remained an isolated settlement, peopled only by members of the Puritan brotherhood, this narrow corporation system might have encountered little opposition. In New Haven, where the religious line was more sharply drawn than in Massachusetts, there was for some time little discontent, because of the care with which new settlers were admitted. The church membership qualification disfranchised few, because church-membership was at first almost universal. But the harrying of Archbishop Laud sent across the seas to Boston some 20,000 new settlers between 1630 and 1640, far from all of whom were in sympathy with John Winthrop's original band. This estrangement is established by the fact that there were during that time only 1,148 free-

men admitted to the suffrage. The voters probably did not number more than a fourth of the adult men.

After the threat of the non-freemen in 1644 to petition Parliament the suffrage problem was continuously under debate. Four royal commissioners visited New England soon after the Restoration with orders to see that all persons of good and honest conversation should enjoy all the civil privileges due them. As it was evident that the king did not intend to temporize, the General Court at last allowed non-church-members to vote. The act, however, took away all that it gave, by making the alternate qualification include no less than ten points. The most difficult to satisfy was the demand that the voter should be orthodox in religion and equipped with a testimonial to his character from all the ministers in town. One can imagine with what graciousness the Puritan divines granted a certificate of good character to one of the cursed Anabaptists. Apparently only a score of persons were made freemen under the act, before the rule of Andros put an end to all elections. The royal charter of 1691 abolished for all time the religious qualification for voting in Massachusetts. It had disappeared in New Haven on its union with Connecticut thirty years before, and had never existed in the latter colony.

It was an old English principle that dominion followed land. In England the knights of the shire were elected by the freeholders, and were themselves the principal landowners of the county. The proprietors of the Jersey colonies wrote the Crown: "For certainly those persons are fittest to be trusted with choosing and being legislators, who have a fixed, valuable, and permanent interest in lands, and must stand and fall with their country. But money is an uncertain interest, and if it be admitted

a qualification equal to land, an Assembly may be packed of strangers and beggars, who will have but little regard to the good of the country, from whence they can remove at pleasure and may oppress the landed men with heavy taxes."

The new American point of view regarded land and personal property as equal as a basis for the franchise. If land were exclusively required, many were excluded from the Assembly, whose land was insufficient, but whose total wealth was far more than the law demanded. Proprietors on the other hand might own plenty of land without having twenty shillings in ready money, or pursuing a useful trade, "nay, they can not answer a question that is asked them." Land was of little consequence compared with the ability to read and write, which prevailed more in the towns than in the country. The amount of personal property required was high to be sure. But the new requirement must have allowed some town-dwellers to vote who would otherwise have been excluded.

It was to be expected that in a distant land under frontier conditions the method of conducting elections in England would undergo modifications. In the mother country there was no other means of nomination than by petition or by motion of a single elector. The New England colonies developed a peculiar system of nomination by what was really an ante-election. There was of course no party organization. The Massachusetts scheme was a preliminary vote in the towns in the Fall to pick the names to be voted upon in the Spring. Each voter wrote on a piece of paper twenty names of his choice. The ballots lay unopened through the Winter, until in April a deputy carried them to Boston, where the twenty names having the most votes were proclaimed to the colony as

the candidates. The Connecticut system was similar, except in a few details. Another variant in the method of nomination was a close approach to the modern convention system. In 1644 delegates from every town in the Massachusetts Bay colony met at Salem and chose fit men to stand for election as assistants. These various modes of nomination were one of the peculiar contributions of New England to American institutions.

To New England we also owe the early development for political uses of the vote by ballot. It was first used in America in electing the pastor of the Salem Church on July 20, 1629. Some have seen its origin in the Dutch municipal elections. More likely is the derivation from elections in English trading companies, corporations, and even in some boroughs. The Puritans in Massachusetts took it from the procedure of the Puritan church itself, rather than from a strange land, which those at Salem probably did not know. In lay elections the custom seems to have been the "ereccion of hands," until in 1634 the ballot was utilized for the choice of governor and deputy. Each voter wrote his choice upon a piece of paper, which was to be folded but once, "not twisted or rolled up, that they may the sooner be perused." In Massachusetts after 1643 the assistants were elected, not by paper ballots, but by Indian beans or corn, the white beans counting for, the black beans against, the candidate. Later a crude form of the modern perforated ballot was introduced, in a sheet of paper bearing the names of the twenty assistants and "cut almost asunder betwixt each name."

One great advantage of the ballot was its secrecy. From the beginning it does not seem to have been required that the voter should sign his name, and in 1634 the assistants

were specifically chosen by ballots without signatures. The corn and bean ballot would naturally be secret. There were complaints that sundry loose and fractious freemen took advantage of this secrecy to cast two and three ballots for a single officer and to resort to other discreditable practices. In 1715 therefore a law was passed in Rhode Island ordering that ballots should be signed. It was not long, however, before it was found that the law occasioned "great dissatisfaction and uneasiness to good people, who deem it a very great hardship by exposure to the creating of animosity and heartburning of their particular friends." In the main, voting was secret in those colonies which adopted the ballot, as compared with the *viva voce* vote in the royal colonies, where the English method prevailed.

The ballot was also provided for in the Concessions and Agreements of West Jersey of 1676 and Penn's Frame of Government of 1683, as well as in Delaware and the Carolinas, but it seems there to have come from an entirely different source. Penn may have got his experience of the ballot in his brief sojourn in the town of Emden in Friesland. On all the colonies, however, the *Oceana* of Harrington must have had a considerable influence. This work of an English philosopher, a description of an ideal commonwealth, elaborated a novel system of balloting balls not unlike the complex Venetian mechanism. In America, however, only the simple principle of the secret ballot was preserved, and most of the rest of Harrington's unwieldy fancy was eliminated.

The ballot in the proprietary colonies might be either a bean, or a paper on which were written a list of names, which were collected in "ballating trunks" or in a hat, as was the custom in ancient Greece. The regulations concerning the apparatus were often nearly as detailed as

they are to-day. North Carolina in 1744 prescribed the exact size of the hole in the ballot box and the mode of sealing it. Delaware provided a separate box for each hundred with the name printed upon the top. In Pennsylvania not long before the Revolution the polls were divided into sections with a door or window for each township, ward, or district. As the voters came to the polls an inspector announced his name in a loud voice, and if the inspector for another booth knew that the man was voting from a district not his own, he might protest. Otherwise the elector's name was checked off on the books as having voted, and his vote recorded.

In this and in other ways the ballot was developed to a higher stage in the proprietary colonies than in New England. They evolved a method of voting which, though based on the ballot, at the same time kept some of the best features of the English poll. The term commonly used in regard to it in Pennsylvania was the "Poll and Ballot." The ballot in New England, except for the corn and bean ballot used to elect assistants, was open to abuse, when cast by illiterate voters. Their only means of voting was to have another person write their papers for them; in which case they could not be sure that their votes were cast as they desired. The practical result of the New England form was to confine the ballot to those persons who could read and write.

In Penn's colony the ballot was ordinarily secret and written, but not necessarily so. Unless there was a demand for the ballot, the election official might decide the choice by a show of hands. After 1706, in case the ballot was employed, the sheriff furnished each voter with a piece of paper at the polling place, instead of letting him bring his list with him. The ballot of an

illiterate voter was opened by the judge of election, its names read, and the voter stated that they were his own choice. If either an illiterate or a literate voter did not wish to use voting papers he was at liberty to declare his choice *viva voce,* and to waive the privilege of secrecy of his vote.

New England contributed one more innovation to American elections in the proxy vote. By English law an elector was required to be present in person when his vote was cast, and proxy voting was therefore illegal. It existed for a brief space in a few of the colonies outside of New England, but it was usually soon forbidden as unconsonant with English practice.

The proxy system was another natural adaptation to environment, undertaken at first with little idea of the effect it would have in preserving thoroughly representative government in New England. In the early days when the Plymouth and Boston settlements were small and concentrated, every freeman took part in the annual General Court of Election. The gathering was held in the open air or in the church, and was really a tribunal which opened the ballots and declared the results. After the ceremony the larger part of the freemen returned to their homes, while their deputies remained to consider necessary legislation. But even in the later sessions of the General Court every freeman was conceived to have an interest and, if he desired it, a personal share. The New England colonies preserved their nature as corporations of freemen.

But Massachusetts rapidly ceased to be merely a plantation. In the first six years of its existence it grew to include nearly four thousand inhabitants and sixteen towns, the most distant of which was thirty miles away

from the capital. With such numbers no orderly assemblage, even of the more limited group of freemen, was possible. As the colonists spread out from their original seats, it became difficult for the freemen to attend even the courts of election at the capital. Roads were few and poor, and the drawing of all a village's men at once exposed it to Indian attacks. The emigrants were moreover indisposed to travel at a time when their labor was needed to get the spring planting into the ground. We have seen that the ballot was first introduced into political elections in 1634; by it was made possible the proxy system. In 1635-36 Massachusetts granted to the frontier towns "liberty to stay soe many of their freemen att home for the safety of their towne as they judge needful, and that the said ffreemen that are appoyncted by the towne to stay att home shall have liberty for this court to send their voices by proxy."

The following year the form of proxy was prescribed which was later copied by all the New England colonies: "The deputies which shalbee chosen shall cause the freemen of their townes to be assembled and then to take such freemens votes as they please to send by pxie for every magistrate and seal them up, severally subscribing the magistrates name on the backside, and soe to bring them to the court sealed with an open roule of the names of the freemen that soe send by pxie."

The proxy was a curious mark of the value set by the colonists upon the right of representation. In 1629 merely the plantation of a London commercial company, and in the first few years after the transference of its charter a narrow oligarchy, Massachusetts became in 1634 a representative government. The election of officers was a precious privilege, the last right of the freemen in

personal attendance at the General Court to be given up. Had not such a system of voting been devised, the inhabitants of the frontier towns would have lost their franchises, and the government would have represented only the freemen in the vicinity of Boston.

The voters felt that proxy voting still continued the fiction of the elector's actual presence at the Court. Though in Connecticut the counting took place in the towns, in Massachusetts for a long time the actual ballots themselves were sent to Boston and cast at the General Court, the only place in the colony where officers could be elected. This custom persisted even under the royal government. At the same time the freemen were allowed and even encouraged to come to cast their votes in person at the Court of Elections.

Unfortunately there is very little information concerning electoral customs and morals during our colonial period. No doubt election day was looked upon as an important event. Traces of this feeling remain in the celebration of the day as a school holiday in many New England towns. The feasting which was characteristic of medieval elections was also a feature of colonial times. In 1653 the New Haven government "ordered that a dinner should be provided at the ordinary for the court and whom they shall invite, upon the election day, at the publique charge of the jurisdiction, but after euery towne is to pvide for theire owne magistrates and deputies." In two of the New England colonies honesty in the elections was promoted by an election sermon on the morning of the polls. In 1708 the practice was made general among all the clergymen in the colony of haranguing the voters upon subjects "proper for the direction of civil rulers." The position of election preacher seems to have

been as much desired as that of Fourth of July orator at a later day; and the freemen claimed the right to elect the speaker just as they elected the civil officials.

From the numerous laws against them one would infer that bribery and corruption were not infrequent in colonial days. Only in New England, with the exception of Rhode Island, and in New York and Maryland, were the statutes silent on the subject. Perhaps the Puritans thought it beneath the dignity of the commonwealth to imply that such a thing existed. Bribery was the most common of all the electoral vices, and the one most stringently legislated against. Besides money, a bribe included all drinks, food, or other treats. The rabble on election day was nevertheless not seldom plied with "good liquor, rum and brandy," so that they were "rendered altogether incapable of discharging their Duty in that sober and weighty manner the Occasion requires, but become more particularly disorderly at these times, whereby great Confusions and Mischiefs arise."

Another form of corruption not uncommonly practiced was dishonest voting. Faggot voting, the creation of voters by allotting them a temporary freehold, was brought over from England. At the elections in the Carolinas, which were turbulent throughout the colonial period, boys and other unqualified persons voted. There were few safeguards upon the secret ballot; unprincipled citizens cast two and three, or even five, ballots. In one election in Pennsylvania 1,000 voters managed to return 2,300 votes, a record which could hardly be excelled by more modern methods. The secret ballot was repealed for a time in Rhode Island in an unsuccessful attempt to abate repeating. If the ballots were honestly cast, the returns might be falsified, as in a New Jersey election,

when a candidate was declared elected by forty-two votes out of four hundred.

Nor was actual violence avoided upon some occasions, not among the electors, but among the masses of the disfranchised. They cast votes, even against the law, and were ever ready to overturn the polls by armed demonstrations and to take vengeance upon the propertied classes who disfranchised them. Against them the colonial assemblies directed the increased restrictions in the property qualification. The new immigrant classes in Pennsylvania, the sailors in the coast towns, and the men of the back districts in all the colonies were breeders of riots, which went at times to the extent of bloodshed. Germantown in 1742 had a tumultuous election at which seventy sailors rioted for the benefit of the proprietary party. A wagon loaded with hoop poles, easily made into clubs, appeared at such an opportune moment, that the rioters could not but avail themselves of the opportunity. The Mayor declined to interfere, saying to protesters: "They had as much right at the election as the Dutchmen you had at Reese Meredith's last night." As the sailors went off after the affair, they met a William Allen, later the Chief Justice of the colony. "Let's give Mr. Allen a whorrah!" cried one of the sailors, "a squat, pock-fretten, full-faced man with a light wig and red breeches." "Ye villains begone," rejoined Mr. Allen, "I'll have none of you," and had the ringleaders arrested.

The fines collected for such breaches of the electoral laws were divided between the Crown or proprietor and the person informing against the offender, or were distributed for the relief of the poor. For bribery the penalties ranged from a fine of £10 to one of £50, or twice the value of the bribe. Virginia and North Carolina

nullified the election in which bribery took place; New Jersey and Rhode Island, always one of the states most severe upon corruption, punished the offense by disfranchisement and loss of the right to hold office, and even to give evidence in a court of justice. Rhode Island also required its officers to swear that they justly and truly abhorred "the most detestable crime of Bribery," and annulled an election, if it was proved that a single vote had been illegally cast. The penalties upon fraud, repeating, and falsification of returns were still more stringent in the colonies. There were generally fines, ranging from a few shillings up to £300. The tobacco colonies assessed them in the staple commodity, requiring as much as 30,000 pounds of tobacco for certain delinquencies of the sheriffs. In this respect Rhode Island was again the most severe in its punishments of fraudulent voters. Repeating voters must pay a fine of £5, receive 40 stripes upon their naked backs, or be imprisoned in jail or the stocks. In South Carolina and Georgia such prisoners were deprived of the privilege of bail.

By the end of the colonial period, then, elections in America had grown far away from the English model with which they began. The colonists had made innovations or adaptations to meet unusual conditions of political life or to develop some precedent, like the procedure of the trading company, which had never taken root as a political institution in England. There were five such distinctive traits of the colonial electoral systems. Many of the colonies attached to the suffrage a religious character and demanded Christian belief or good morals of electors. Personal property was accepted in some places as an alternate qualification to land. The New England colonies developed a system of nomination other than

the English, which lasted in Connecticut down into the Federal period. They also long employed a unique form of proxy vote in political elections. Lastly, several colonies evolved a successful vote by ballot, a thing almost unknown in England in parliamentary elections. Partly through the impulsion of the mother country and partly of their own accord the colonies limited the suffrage to a very small part of the population, and even these seem to have cared little for the right to vote. From the small numbers who took part in elections, one might say that the franchise was a minor privilege of a minority of the inhabitants of the colonies.

CHAPTER XI

THE ACQUISITION OF THE POLITICAL RIGHTS OF MAN IN AMERICA

The half century following the Declaration of Independence has been aptly called the period of the acquisition of the political rights of man in America. Beginning with republican oligarchy, it ends with manhood suffrage and the basing of representation on population, not wealth. In the Declaration, and in the bills of rights which occurred in nearly all the early state constitutions, was included a set of political maxims culled from the social compact theory of Locke and Rousseau. Two of the most fundamental were that all men are created equal, and that all have been endowed with certain inalienable rights of which they could not be deprived, even by their own consent. The constitution of New Hampshire said: "All government of right originates from the people, is founded on the consent and instituted for the general good." But the theories of the revolutionary colonists were far more radical than their acts. *Festina lente* was a political principle of the revolutionary colonists, as of Anglo-Saxons at other times of crisis. The colonies had come far from the aristocratic character of the English system, but they would not yet abandon sound religion and substantial wealth as political virtues of the highest order. Innovations required more mature deliberation than was possible during wartime.

In no state therefore were the implications of the Declaration of Independence carried to their logical conclusions. At the outbreak of the Revolution there was not a colony which did not require the ownership of property for the privilege of voting. Eight colonies imposed religious or moral tests upon either officers or electors. New Hampshire excluded Roman Catholics; and South Carolina deemed unsafe all citizens who did not believe in God and a future life. Several required that assemblymen should be Protestants, while others demanded that they should believe in God and the divine inspiration of the Scriptures.

Following the conclusion of the war men spread in large numbers from the narrow belt along the coast and the falls of the rivers, back into the mountains at the river sources and across them into the valleys of the Ohio and the Mississippi. Between 1790 and 1800 the population of Western Pennsylvania doubled, and the total population west of the Alleghanies almost tripled. The frontier was a leavening force for democracy. Social and religious distinctions no longer held, when dragged in a Conestoga wagon through the Cumberland Gap, or towed in a barge up the waters of the Mohawk. The difference between the coast type and the frontier type amounted almost to a divergence of race. Physically taller and more spare, with inferior education and different economic and political interests, the backwoodsman in the western sections of the original states was looked down upon by the more sophisticated town dwellers of the East and was left a very inadequate share in the government. The conflict has been called one of Property and Privilege against Poverty and Neglect. Though the balance favored the conservative elements in the eastern

towns, the contest ended in the victory of frontier democracy. The presence of the frontier type, the reversion to simple, untrammeled, political conditions at the western boundary of settlement, has determined the thoroughly American traits of American politics and society.

If a man disliked his position of political dependence in the East, he could, by migrating to the region of cheap land, get at a nominal sum enough land to qualify him many times over as an elector. His wealth did not entitle him to as full a representation as that in the counties he had left, and his first demand was rather that assemblymen should be allotted according to population, than that the suffrage should be less restricted. The struggle for fair distribution of seats began before the end of the colonial period, in the western counties of Virginia and Pennsylvania. It actuated the Regulator movement in the Carolinas, and the later independent actions of Vermont. The frontiersmen in North Carolina were defeated in the battle of the Alamance in 1771, but their attack on the privileged classes had been so determined that the state was one of the first to extend the franchise to all taxpayers. In Pennsylvania the proprietary, Quaker party controlled the three original counties and twenty-six members of the Assembly, who represented 16,000 taxpayers. Western Pennsylvania with 15,000 ratables sent only ten delegates. The discrepancy was increased by the difficulty of reaching the capital from the western counties, since the legislature spent little money on roads outside of the original settlements. Neither did it provide adequate protection against the Indians. Taxation was equally distributed even if representation was not. But it fell more heavily in actual effect upon the western counties because of the lack of hard money with

which to pay it. In 1764 the "Paxton Boys" marched on Philadelphia and threatened armed violence to obtain redress of their grievances. They compromised, however, by drawing up a declaration, protesting that inequality of representation was the cause of their sufferings, which were "tedious and beyond the patience of a Job to endure." Their complaints were abated by a fairly just apportionment of representatives in the Constitution of 1776. The other states did not at once follow Pennsylvania's example, for in 1780 Thomas Jefferson declared that 19,000 men in the Tidewater of Virginia made laws and raised levies for 30,000 inhabitants of the counties in the Piedmont and the mountains.

The aggressive attitude of the back districts in the colonies and the new states was important for its influence in formulating the American idea of representation. In England a member of Parliament represented the entire country. For that reason the mother country could not understand the colonies' complaints against taxation without representation; according to English ideas they were represented. The independence of the frontier settlements in demanding a voice for their distinct interests, led in America to the attachment of a delegate to a certain locality, instead of to the state as a whole.

Though equality of representation was granted in several of the early state constitutions, the acquisition of equal suffrage was slower. Professor Farrand has pointed out that the abstract principles of the Declaration of Independence only became actual facts on the western frontier; that restraints in the East gave way just to the extent of the facility with which men might go West, and of the necessity of stopping the drainage from the older states.

Another potent factor in extending the suffrage in the United States was the repercussion of the French Revolution. As the states had furnished to French constitution makers the declarations of the rights of man, they now received in return an example of the practical application of those rights in politics. The revolutionary victory at Valmy and the establishment of a French Republic aroused the greatest enthusiasm in America. It became the fashion to drop such aristocratic titles as "His Honor the Judge," "The Honorable Member," and "Esquire." Following the visit of Genet, Democratic Societies were organized in almost every state, at least one of which applied to be admitted to the Jacobin Club in France. Among the chief activities of the associations was agitation against federal taxes, and, in the West, against closure of the Mississippi; but they also aimed at a more democratic franchise. They expressed in very radical terms the aims of the great body of Democratic Republicans, led by Jefferson and Madison. The Democratic Society of Kentucky, for example, urged that the senators should be chosen by "the fountain of power—the people" and not by indirect election. Similarly the Constitutional Society of Boston declared: "Till this period [1776] the art of government has been but the study and benefit of the few, to the exclusion and depression of the many; but from this auspicious moment . . . all the sovereignty must be vested in the breast of every individual." The Democratic Societies inspired by the French Revolution acted as local branches of the Democratic Republican party, and aided materially in undermining the Federalist aristocracy in the elections between 1793 and 1800.

There were three stages in the advance of a democratic franchise in the early state constitutions: the revolution-

ary era, the last decade of the century, and the Jacksonian period, if we include in that also the decade preceding Jackson's presidency. Only two states, North Carolina and Pennsylvania, allowed all taxpayers to vote under their first constitutions. "All political power," said the constitution of North Carolina, "is vested in and derived from the people only. No man or set of men are entitled to exclusive or separate emoluments or privileges from the community, except in consideration of great public service." Neither North Carolina nor Pennsylvania, nor the other states were willing to go as far as this in practice; the most that they would concede was that the state derived its authority from the consent of the taxpayers. The ratable basis of the franchise was, however, nearly as broad as manhood suffrage, for almost all citizens had become taxpayers by the time they had fulfilled the necessary residence qualifications for voting. The broadening of the suffrage from a taxpaying basis to manhood suffrage in New York in 1827 increased the electorate by only one per cent.

To the second period in the progress of democratic elections belong the laws of Georgia, South Carolina, Delaware, and New Jersey, which adopted, the last named in a modified form, the tax-paying qualification; and New Hampshire, Kentucky, Maryland, and Vermont, which provided for manhood suffrage.

Some time elapsed thereafter before the conservative states of Virginia, Rhode Island, Connecticut, Massachusetts, and New York were willing to adopt even the ratable basis. The standards which they retained were, however, clearly out of joint with the times in 1820. The rapid introduction of machinery had gathered in the towns a landless and therefore voteless class, who de-

manded the franchise. The first quarter of the century saw a host of internal improvements, intended to enable the West to get its needed settlers for the banks of the Ohio and the Mississippi. The states vied in making naturalization easy for the Irish and German immigrants, and the suffrage liberal. In ten states aliens may still vote before they are naturalized, after a declaration of intention. In some cases the rivalry of parties led to an extension of the franchise to obtain votes.

The constitutional struggle in New York in 1821 affords the clearest example of the conflict of the proprietary interests with the masses. For the Assembly most freeholders and renters could vote under the constitution of 1777. But no person who leased land, however valuable, for nine hundred and ninety-nine years, as did the numerous lessees of Trinity church, could vote; nor could the forty thousand farmers in the Northern and Western part of the state, who had purchased their land from land companies on the instalment plan. Even the conservatives were willing to concede the vote to such citizens in 1821.

The opposition to liberalizing the elections to the Senate was led by the eminent jurist, Chancellor Kent, with words which might have come from the lips of any Tory squire of that day in England or France. "The small farmers are," he said, "the surest guardians of property, and they form the firmest basis of national power and grandeur. The Senate should be the representative of the landed interest and its security against the caprice of the motley assemblage of paupers, emigrants, journeymen, manufacturers, and those undefinable inhabitants which a state and city like ours is calculated to invite. Universal suffrage jeopardizes property and puts it into the

power of the poor and the profligate to control the affluent." Nevertheless the cause which Kent so strongly advocated was a lost one, for the Convention adopted the same franchise for all state offices.

The action of New York was paralleled by Virginia, Connecticut, and Massachusetts. By 1830 it may be said that a broad, though not universal, suffrage had been acquired in practically all the original thirteen states. There were exceptions like North Carolina, or Rhode Island, where Dorr and his followers acquired the vote only by rebellion. Where a property qualification occurred in the states west of the Alleghanies, it was of little consequence, so long as an abundant supply of cheap land made it easy for all to obtain property. By the end of the Civil War practically universal, manhood suffrage had been established for all whites.

The Constitution left the question of the federal franchise to the states, except for the limitations imposed by the Fifteenth Amendment. Between the years 1776 and 1909 one hundred and twenty-seven distinct state constitutions have been framed, and countless amendments have been adopted. Yet despite this inchoate body of organic law the status of the voter approaches similarity at the present day. Generally speaking, all free, white or black, male citizens, twenty-one years of age, of sound mind, and not under conviction for a felony, can vote. Congress in 1882 expressly excluded the Chinese from naturalization; and other nationals can not vote, until they have declared their intention of becoming American citizens. But in ten states they may vote after taking out their first citizenship papers.

The suffrage in the Southern states was originally less restricted than in the Northern, but the exigencies of a

© Harper's Weekly

Going Through the Form of Universal Suffrage

Boss Tweed: "You have the liberty of voting for any one *you* please; but we have the liberty of counting in any one *we* please."

large negro population have, since the Civil War, reversed the situation. The constitutions of the Western states, formed without the traditions of colonial limitations, are exceptionally liberal. The most common term of residence in the state is one year, required by twenty-nine states. Eleven states specify six months, while seven Southern states and Rhode Island demand two years' residence. Nine states require the payment of a poll-tax, as a sign of the voter's interest in the state; but Pennsylvania is the only state to impose an outright tax-paying qualification in the old sense. A literacy test occurs in seventeen states, the general criterion being the reading and writing of a section of the state constitution. In the South the ignorant whites are saved from exclusion by the alternative of a tax qualification, which fewer negroes than whites possess. Causes for disfranchisement are an interesting feature of the state constitutions. New York thus punishes the crime of betting on an election. Paupers are generally deprived of the vote, as being of an inferior moral and mental make-up. Idaho and Mississippi frown upon bigamy and polygamy. Virginia discourages duelling by depriving those who indulge in the pastime of the right, not only to vote, but to hold office, although no state specifies such penalty for shooting on sight.

The two largest classes which are still disfranchised in the United States are women and negroes. There is a curious connection between the efforts for the emancipation of both. There had been agitators for woman's rights in Revolutionary days. The writings of talented English women, like Mary Wollstonecraft and Harriet Martineau, turned attention to the emancipation of women in America early in the nineteenth century. But it was the abo-

litionist movement that really paved the way for the assertion of woman's rights, as part of the complete equality of all mankind, which the Abolitionist preached. The leading Abolitionists, William Lloyd Garrison, Wendell Phillips, and others, were also woman suffragists. The connection inspired one set of workers with a feeling of devotion to a sacred cause. Others it disgusted by tainting the movement with sentimental radicalism.

A convention was called at Seneca Falls, New York, in 1848 to proclaim woman's rights. It drew up a Declaration of Sentiments, twelve resolutions modeled on the Declaration of Independence. Among them were these:

Resolved, That woman is man's equal, was intended to be so by the Creator, and that the highest good of the race demands that she should be recognized as such.

Resolved, That it is the duty of the women of this country to secure to themselves their right to the elective franchise.

The other resolutions covered practically all the ground since claimed by the most radical suffragists, as to the abuses of woman, and the perfect equality of rights and opportunity.

The first National Woman's Rights Convention was held at Worcester, Mass., in 1850. Among those who called it were Ralph Waldo Emerson, Thomas Wentworth Higginson, A. Bronson Alcott, Wendell Phillips, William Henry Channing, and William Lloyd Garrison. The most eminent women leaders were Elizabeth Cady Stanton, the mother of a large family, and Susan B. Anthony, a member of the Quaker sect which recognizes the complete equality of the sexes. Until the Civil War agitation was confined to educational work and a few eccentricities, such as dress reform, with its bloomerettes.

The movement was heaped with satire by the press, except for the *New York Tribune* and Horace Greeley, who remained loyal. The splendid sacrifices of women during the war in hospital work and relief won more supporters than many years of agitation could have done.

The Fourteenth Amendment declared that "no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." This was assumed by the women to mean that, as citizens, it was no longer illegal for them to vote. The question was brought before the Supreme Court in 1874, which body handed down a judicial decision flatly denying that the Fourteenth Amendment sanctioned the exercise of the suffrage by women. Women were citizens, in the sense of being members of the nation, nothing else. The qualification of citizen in no way implied electoral rights. The Union had no electors of its own creation, but only electors of the states, where suffrage was not coextensive with citizenship. The limitation by a state of the vote to males was therefore not a violation of the Constitution, and in states where this existed, women had not the right to vote.

The petitioners now had to fall back upon the legislators in the states. The first complete legislative emancipation of woman in the history of the world occurred in Wyoming in 1869. The desire to advertise the territory, and the Western sense of humor and adventure no doubt lay back of the enfranchisement of women there. The event had little connection with the movement in the Eastern states, for few pioneers had brought their families, and the ladies who came with the gamblers and saloon-keepers belonged in social strata to a pretty hard formation.

Women were also allowed to serve on jury in Wyoming. The first murder trial before a mixed jury was eagerly looked forward to. "The prisoner in this case was a handsome young man of a pale, dreamy, Byronic type, and it was whispered that the susceptible feminine heart would be unduly influenced by these things. But they promptly voted a verdict of guilty, and he was sentenced to ten years' imprisonment." One of the male jurors said that, if it had not been for the men, the sentence would have been more severe. His experience with female jurors led him to characterize them as "bloodthirsty creatures." It was asserted in the East that mixed juries were abandoned in Wyoming on the petition of a man who had been left at home to mind his babies, while his wife was locked up all night with eleven good men and true.

The conquest of the state constitutions has been slow and difficult, because of the many obstacles in the way of so controversial an amendment. Yet by dint of unflagging effort women had acquired the vote in twelve states by 1917. The most powerful agency for work in the states is the National American Woman's Suffrage Association, organized in 1890 by consolidating two associations which dated from the Civil War. It is a non-partisan federation of state suffrage associations, representing forty-one states, and also societies such as the National College Equal Suffrage League. Besides gaining the vote in the twelve states mentioned, women have acquired the right to participate in elections on school questions in seventeen states, and a vote on tax levies in six states. There are now only eighteen states in which they do not have the franchise in some form.

Woman suffrage has become one of the most important of national issues. So rapid has been the growth of its

following that many are in favor of cutting short the laborious process of state action by a Federal amendment. The form contemplated is the Susan B. Anthony amendment, which provides that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex. To press this amendment a Congressional Union was formed in 1913. It abandons non-partisanship for declared hostility to the parties which are anti-suffrage, and in 1916 launched the National Woman's party. The feminine vote played an important part in the election. To win its favor, both of the great parties have endorsed the granting of woman's suffrage by state action.

At the close of the Civil War, Congress, distrusting the intentions of the South toward the liberated negroes, proposed the Fourteenth Amendment to the Constitution, which forbade the abridgment of the privileges of any citizen of the United States and provided for the reduction of the representation in Congress of any state in proportion to the number of its male, adult citizens who were disfranchised. The new state governments justly complained that the Northern states, which still excluded negroes from the vote, would suffer far less than the Southern states with a denser black population, and rejected the amendment, with the single exception of President Johnson's own state, Tennessee.

The suspicions of Congress were confirmed. On March 2, 1867, it passed the Reconstruction Act, dividing the whole seceding South, except Tennessee, into five military districts under Brigadier Generals of the Federal Army. A state was not to be admitted to the Union until a state convention had ratified the Fourteenth Amendment and framed a new constitution granting equal suf-

frage to whites and blacks. At the same time the Southerners who, having sworn to support the Federal Constitution, had been concerned in the late rebellion, were not to vote for delegates. The Conventions, composed mostly of blacks and of adventurers from the North, speedily ratified the amendment and the new constitutions, and by 1870 all the states had been readmitted to the Union. Congress continued its policy of interference on behalf of the negro voter by the Fifteenth Amendment, which forbade that the right of any citizen to vote should be denied or abridged "on account of race, color, or previous condition of servitude." The period of Federal intervention closed with the restoration of full political rights to the great majority of Southern whites by the Amnesty Act of 1872.

The misrule which now disgraced American government was a tragedy of misunderstanding. Neither party could forgive nor forget. The North failed to appreciate that rebellion, or the restoration of slavery, never occurred to the Southern mind, and substituted coercion for the traditional American maxim that the states have the power to regulate the franchise. The South underestimated the temper of the North, and was obsessed only with the nightmare of negro domination. It saw reason on every hand to dread black rule. Led by infamous characters from the North, the carpetbaggers, the negroes filled the smaller offices and the legislatures. In the Mississippi and the South Carolina legislatures they were in the majority. For ten years the carpetbaggers carried on with impunity an orgy of public robbery unparalleled in the United States. The blacks who benefited were chiefly the ministers and the legislators, whose influence was worth buying. In North Carolina $14,000,000 worth

of railroad bonds were issued without the laying of a rail. In South Carolina Governor Moses openly sold over four hundred pardons in two years. The state debt of Louisiana increased fourfold in a single year, and in four years reached the sum of $54,000,000 with nothing to show for it.

One must appreciate the South's bitterness against this carnival of graft to understand why the negro was disfranchised. By 1872 the majority of the ex-Confederates had recovered the franchise, and all the respectable citizens had gone over to the Democratic, or anti-negro party, forming a union which has not been one of the least unfortunate results of the Civil War. It has killed vigorous political life and has perpetuated the color line in politics. The whites regained control, either by simple, numerical superiority or by keeping the negroes away from the polls, and once in the saddle again, they took care to make their position impregnable.

In the third phase of the history of the negro franchise, that of restored white domination, it was found that equal suffrage for both races meant in practice very nearly the exclusion of the negro. In the face of the Fifteenth Amendment no racial or color line could be drawn. Restrictions must apply, at least on their face, to all voters. But by the constitutions recently drafted in the Southern states, no white man was disfranchised; whereas it was estimated that in South Carolina and Mississippi one negro in every one hundred voted for president in 1904, and that in Alabama only five per cent of the negroes would keep the suffrage under the new constitution. Throughout the South the number of negro voters is hardly more than five per cent of the adult negro population. The practical disfranchisement of the negro is a

fait accompli. What are the means by which it was constitutionally attained?

The simplest method of throwing out the negro is by a tax-paying or literacy qualification. Most of the Southern states make the right to vote conditional upon the payment of a poll tax. Some demand the payment of back taxes for a term of years. The poll tax is apparently levied more to discourage voting than for revenue. All the states require its payment at least six months in advance of the election. The careless negro is apt to lose the receipt, which he must present at the polls in order to vote. Even after payment so many obstacles are put in his way, that he does not judge the game worth the candle.

The great difficulty in a literacy test to exclude the negroes is that it would also operate on more than a million illiterate whites. This result has everywhere been evaded by ingenious phraseology. In Mississippi the voter must give a "reasonable interpretation" of the state constitution, and it would seem that in the eyes of election officers the reasoning powers of the white man are much superior. In an attempt to enforce the "reasonable interpretation" clause against a well-educated young negro, he was asked, "What clauses of the present Virginia Constitution were derived from Magna Charta?" "I don't know," was his reply, "unless it is that no negro shall be allowed to vote in this commonwealth." He was duly registered. Five Southern states allow an alternative tax-qualification, which few negroes can satisfy. Five have a "grandfather's clause," providing that sons and grandsons of those who were voters in 1867 (or, in Virginia, Civil War veterans and their sons), shall vote, al-

though they may lack both the educational and property qualifications. Such clauses have recently, however, been declared unconstitutional. So complicated are the qualifications that in South Carolina he who drew up the suffrage provision declared that he lost his vote at the next election, because he forgot to observe all the formalities.

Where such restrictions did not suffice to debar the negroes, extra-legal means used to be found to keep them from voting. These varied from false counting and ballot stuffing to actual violence. The election announcements were made so misleading as to prevent the colored man from getting to the polls at the right place and time. On one occasion a traveling circus was subsidized to perform on the day and hour of the election, and the negroes' poll-tax receipts were accepted at the door as tickets. In South Carolina the law provided a ballot-box for each office to be filled, and counted a ballot void, if placed in the wrong box. The boxes were shifted frequently, and the election officers were apt to help only the whites to find the right ones. These practices have passed away with the passing of the strong-arm age of American politics.

As a result of persistent and determined opposition the vast majority of the negroes recognize that their votes will be permitted to have no influence and have ceased to go to the polls. It is not that the more educated negroes undervalue the suffrage. Dr. Booker T. Washington wrote: "It ought to be clearly recognized that in a republican form of government, if any group of people is left permanently without the franchise, it is placed at a serious disadvantage. I do not object to restrictions being placed on the ballot, but if any portion of the popu-

lation is prevented from taking part in the government by reason of these restrictions, they should have held out before them the incentive of securing the ballot in proportion as they grow in property-holding, intelligence, and character." The energy of the better class of negroes is turned rather to attaining education and economic efficiency than toward political agitation. We need hardly expect a broadening of the negro franchise until the black man has reached a level of intelligence and independence at which the Southern whites will not fear a recurrence of the events of 1867-77.

The beginning of the twentieth century will see the completion of the process which the Declaration of Independence began. For more than half a century practically every male American has been able to vote upon reaching the age of twenty-one. Few states require the payment, even of a poll tax, as proof of his interest in the state. The term of residence necessary to vote is as short as can be fairly said to establish his legitimate interest in the elections of the locality. So steady is the progress of woman suffrage that the end of this decade will probably witness the advent of universal suffrage for all whites. The most serious restrictions upon the electorate are racial, directed against non-Caucasians, and are so bound up with sectional feeling that national action with regard to them would be difficult, if not inadvisable. The suffrage limitations of this sort in the Western states are based on economic fear, and however regrettable from a theoretic standpoint, will be solved by economists rather than politicians. In the South every decade of negro education, with its remarkable rate of progress, is bringing on the real enfranchisement of the negro. The United States has not been attracted by the schemes for plural

voting or the representation of interests, which are being proven in the political laboratories of Europe. Its goal is a homogeneous, universal suffrage; its policy, for one man and for every man, one vote.

CHAPTER XII

THE MACHINERY OF ELECTIONS; CORRUPTION IN ELECTIONS IN THE UNITED STATES

THE so-called "right" or function of voting is of value to citizens only as machinery exists by which their choice may be expressed and made effective. It was often alleged that universal suffrage would fail, because no conceivable method of voting would suffice to give every elector a chance to cast his vote. It has been a problem of the greatest difficulty, with the advance of universal suffrage and the increase in the number of elective offices in the United States, to find a way in which sheer weight of numbers may not make voting a haphazard, mechanical performance which establishes no relation between the voter and the man elected to office; nor will it be solved until many of the malpractices now common at the polls have been reformed, and especially until the most effective form of ballot has been found.

Although the departure from the English *viva voce* system of voting was begun in colonial times, it was not completed until late in the nineteenth century. Nine of the ten state constitutions framed between 1776 and 1780 required the secret ballot for the election of certain officials, but the majority were still chosen by oral vote. "As the voter appeared, his name was called out in a loud voice. The judges inquired, "John Smith, for whom do you vote?" He replied by proclaiming the name of his favorite. Then the clerks enrolled the vote, and the

judges announced it as enrolled. The representative of the candidate for whom he voted arose, bowed, and thanked him aloud; and his partisans often applauded." In Kentucky, the last state to give up the system, the election for sheriff consisted in ranging the friends of one candidate on one side of the road, the backers of the other on the opposite side. As in an old-fashioned spelling bee, the longest line won.

The classes which strongly advocated the open vote were in America, as elsewhere, the propertied classes. The system naturally continued longest in the South. The conservatives dreaded the effect of secrecy upon the honesty of elections. John Randolph of Virginia said in 1839: "I scarcely believe that we have such a fool in all Virginia as even to mention the vote by ballot, and I do not hesitate to say that the adoption of the ballot would make any nation a nation of scoundrels, if it did not find them so." The ballot had been introduced in all the seaboard states but one by 1800. In that year it was adopted for the government of the Northwest Territory, and has since been the rule in states organized in the West. But Arkansas preserved the ancient *viva voce* system until 1846, Missouri and Virginia until the sixties, and Kentucky abandoned it only in 1890.

By the middle of the nineteenth century, however, some form of ballot was employed in most of the United States. The generic term was applied to a motley variety of voting papers, both written and printed. As there was no rule for the size and color of the ballot, each party sought to make its ticket recognizable by the ignorant voter by peculiar marks. One Republican ballot had a flaming pink border, with rays projecting towards the center, and letters half an inch high. Ballots of colored tissue paper

were common in the South. Such pronounced differences made it easy to distinguish a Republican from a Democratic paper, as far as it could be seen.

The use of the ballot conformed to no rules. If he chose, the voter could make his own and bring it with him, usually in his vest-pocket, whence the name of "vest-pocket tickets." The labor involved in this led candidates generally before 1825 to print their tickets to allure the indolent. When the party took over the ballot, usage varied widely as to how many names should be put on one paper; some states required a man to cast nine, ten, or more papers before he had voted for all the candidates. The ballot was entirely a party affair, gotten up, printed, and peddled on election day, by party workers, who hawked their wares so diligently as to be an unmitigated nuisance. Unregulated political heelers were given virtually complete control of an essential part of the electoral system.

An unsystematic institution such as the above was prey to a multitude of abuses. Besides involving an enormous expense through the duplication of effort, the money spent did not insure the public of a correct ballot. The voter relied upon his party organization, and that often betrayed him. An irresponsible ring could "unbunch" the party slate, remove a good candidate, and substitute one of its own, with little fear of penalty. The machines of two parties sometimes agreed to compromise by trading certain places on each other's ballots, unbeknown to the party members, who took what the peddlers gave them without inspection. If the politicians did not agree, a party got out counterfeit ballots of the opposition with its own candidates on them, so skilfully contrived that detection was difficult even on close examination.

Grosser frauds were practiced as well, because of the fact that the ballot was really hardly secret at all. This had two important results: bribery and intimidation. When a candidate had paid for a vote, he was naturally anxious to see that what he had bought was delivered. A better system than the old-style ballot for stabilizing this traffic in votes could hardly be conceived. Watchers stationed at the polls could tell, even at a distance, what ticket a man voted. The tissue-paper ballot even made it possible to deliver double or triple the value of the bribe, by folding smaller ballots inside a blanket one, and shaking them out just as the ballot was dropped into the urn. Intimidation was probably not so common as in England, but it was carried on to far too large an extent. Men were transported to the polls in their employers' carriages. They were then given ballots and told to keep them in sight until the moment when they dropped them into the urn. If the voters stayed away from the polls or did not obey orders, they were thrown out of work, and, in mill-towns, out of the company's tenements as well.

The public conscience was alive to the failings of the ballot and to its abuses, and by the end of the Civil War, though the ballots were still unofficial, there was an attempt at regulation by specifying the color and size of the paper on which they were printed, and by forbidding distinctive marks on the outside. Petty reforms were wholly inadequate to cope with the corruption which accompanied the great increase of prosperity after the Civil War. The eighties saw a reaction against the commercializing of politics, and with the coming of age of what Professor Farrand has called the younger genera-

tion after the War, the whole system of semi-open balloting with its attendant evils was repudiated.

The agitation for the use of an official, secret ballot in the United States was a war of publicists. A prize pamphlet of the Philadelphia Civil Service Reform Association in 1882 initiated the movement; but New York and Boston became more important centers of reform, because it was quickly taken up there by members of political discussion clubs. The first state to adopt the Australian ballot, as it was called from its place of origin, was Massachusetts on May 29, 1888. The agitation gained momentum from the unprecedented use of money in the election of 1888, so that before the next presidential election thirty-two states and two territories had adopted the Australian ballot. In 1916 North Carolina and Georgia were the only states which were entirely unreformed, although many states had given only a partial acceptance.

The essential parts of the Australian system as employed in the United States are the printing and distribution of the ballot, the choosing of the names which shall appear upon it, and the regulation of the method in which it is cast. After its introduction the Australian ballot became the only one which the voter might cast. It is prepared by the state at public expense, so that in a sense the state guarantees the authenticity of the nominations on it. As it is necessary to restrict the size, the law provides that only names proposed by parties of a certain numerical strength, or by petition of a large number of electors, shall appear. In effect this is state recognition of parties, or of the party machine. The ballots are marked in a secret booth, from the neighborhood of which all but the voter are excluded. The system attempts to shield him from all outside influence from the moment

he receives the ticket until he drops it into the ballot-box, and to keep his vote entirely from the knowledge of any one but himself.

The Massachusetts ballot, the oldest form of the Australian ballot in this country, is the nearest approach to the system in its entirety. Upon this the names of the candidates are grouped in alphabetical order under the offices for which they stand, with the name of the party following that of the nominee. Such is the general style of the ballot in fourteen states. It has been urged against the Massachusetts ballot that the amount of marking required discourages the voter and leads to neglect of all but the leading offices on the ticket. On the other hand, it diminishes laxness in the shape of straight ticket voting by demanding separate consideration for each nominee. That the system does actually favor independent voting was shown in the election of 1904. While Mr. Roosevelt carried Massachusetts by 92,000, it went Democratic for Governor by nearly 36,000 on the same ballots, and then elected Mr. Guild, a Republican, Lieutenant-Governor by 30,000 plurality.

It is claimed, however, that the arrangement of names on the ballot constitutes a literacy test, and some twenty-five states use the party-column type, the other main style of the Australian ballot. The entire ticket of each party is printed in a single column with the party emblem at its head to enlighten ignorant voters. The artistic taste of the political parties is most diverse and catholic. The Socialists come nearest to uniformity, two hands clasped before a globe being their insignia in seven states. The Prohibitionists employ a hatchet in Alabama, a house and yard in Delaware, a phœnix in Kentucky, an armorial device in Michigan, an anchor in New Hampshire, a

fountain in New York, a rose in Ohio, while the only picture on which two states agree is the sun rising over the water, used in Indiana and Kansas.

These superficial differences merely reflect deeper variations on more important points. The size of the ballot varies from a huge blanket, four or five feet square to a narrow strip three inches wide and thirty-one inches long, in Florida, or the note-paper size used in Oregon. Of more importance is the relative ease with which a man can vote a straight ticket or can exercise intelligence in picking the best candidate of several parties. A simple cross in the circle beneath the party emblem casts a straight ballot. In many states the independent voter is put to twenty times as much trouble even though he would vote for but one officer outside of his own party. Here is a serious matter, for there is no doubting the American voter's proclivity to choose the easiest way in marking his ballot. The party column system often places a direct penalty on an effort to smash the weak spots in a party slate. To be sure the illiterate voter would be at sea without the party emblem; but it is a question whether haphazard or hidebound voting is the lesser evil. It would seem practicable to add the party symbol to the party name on the Massachusetts ballot and thus to avoid both Scylla and Charybdis. At any rate the problem deserves at least as diligent attention as our great corporations give to the efficiency of their advertising.

Another feature in the ballot, which likewise conduces to blind voting as the Boss dictates, is its extreme complexity. The ballot of a Chicago Congressional district in 1906 contained the names of 334 candidates for twenty-six offices; one ballot in the Thirty-second Assembly dis-

trict of New York City contained 835 names. Now the very foundation of elective government is that the elector shall have some mental picture of the person to whom he votes power. The only man who can possibly form a clear opinion of twenty or thirty candidates, let alone three hundred, in a modern city is one to whom politics are a profession. By multiplying elective offices we have diluted responsibility, professionalized politics, and excluded ninety-five per cent of the honest electorate from effective use of the ballot. Every one knows that he could accomplish little by attending all the primaries and elections, even if he had time. It has been pretty well demonstrated that the maximum number of names on which the average citizen can vote with discretion is not much larger than five. Above that number he accepts the label of the party machine. It is sufficient proof of this, if one will cut up a state ballot, shuffle the names in a hat, and then try to fill each office with a capable man from one's own knowledge.

It is idle to talk of the apathy of the American voter, for the public is too big to be spanked. The only salvation is to make the ballot more responsive to popular control by reducing the number of elective offices. There are dozens of offices, chiefly administrative, which ought to be filled through appointment by a responsible executive, for the simple reason that few men are competent or anxious to elect a trustee of a sanitary district or the bailiff of a municipal court. Limit the number of officials to be elected at any one time to six or seven, separate national, state, and local elections as far as possible, and you have vastly increased, rather than diminished, the efficiency of popular control; for each office has now assumed ten times its former responsibility, and therefore

its appeal to the voter's attention; while the spotlight of glaring publicity is so focussed on a few officials as to make unfitness glaringly patent and dishonesty unsafe.

A partial remedy for the evils of the present ballot has been secured by the use of the voting machines, which combine relative simplicity with ease in splitting a party ticket. Absolute accuracy in counting the returns is assured. Their cost is perhaps the main obstacle in the way of their universal adoption.

The mechanism by which those citizens who are qualified to vote exercise their privilege is in the main similar in all the states. Nearly all compel the registration of voters, for purposes of identification and as a guard against repeating. Each voter is responsible for seeing that his name is placed on the registration list, if he would have his ballot accepted on election day. The registration officials record such a number of personal facts, even including his floor or room in his lodging house, that personation would be difficult. If challenged as to his right to vote, he must swear to still further details before his name can be enrolled. Registration takes place upon several days before each election, and the lists must be published, to permit investigation of any voters who may have registered falsely.

The New York law may be taken as typical for the procedure on election day. The charge of the polls on both registration and election days is committed to a Custodian of Elections, who is in general control in the county or town, while in each polling place four election inspectors superintend the polls, hear challenges, and count the votes; two poll clerks record the name of each voter with the number of his ballot; and two ballot clerks distribute the ballots to the voters and keep a minute record of the

disposal made of each one, in order to prevent ballot stuffing. The polling place is fitted with a guard rail surrounding the ballot boxes, and with one secret voting booth for every seventy-five voters. There are at least three ballot-boxes—one for the ballots cast, one for the stubs, and one for the spoiled ballots.

Where the old-fashioned ballot is still in use, the ballot clerk must hand the official ballot, printed at public expense on standard paper, directly to the voter. If the latter is challenged, he must, before being admitted to the polls, furnish under oath sufficient details to prove that he is the man whose name appears on the registry list. Having received the ballot and retired alone to the voting booth, he proceeds to mark his ballot. In New York State this may be done in two distinct ways. He may place a cross before the name of each candidate separately in whatever party, or write in the blank column at the right of the sheet names of his own choosing. Or he may vote a straight ticket by a single cross at the head of a party list. Should he desire to split the ticket, he places a mark before the name of the candidate of another party, for whom he wishes to vote. The corresponding names of the first column thus fail to benefit by the otherwise straight ticket. The marking must be as simple as possible, to avoid the chance of distinguishing a purchased vote afterwards.

The greatest care is taken to guard every ballot from the moment it leaves the ballot clerk's hands to the final count. After filling it out the voter gives it to the inspector, who calls out, "John Smith votes ballot number eighty-six." The poll clerks then ascertain that Smith has not substituted a prepared ballot for the one handed to him. The inspector next tears off the numbered stub,

rendering identification impossible, and drops stub and ballot into their respective boxes. In the count the number of ballots in the boxes must tally exactly with that in the poll clerks' books. This is to prevent stuffing. In counting, the "straight tickets" are separated from the "splits" and a minute record is kept by each poll-clerk on a tally sheet. The accounts of the ballots and the votes cast must balance as closely as do the books of a bank.

Further precautions are taken to safeguard the honesty of the polls. No electioneering is allowed within one hundred feet of the polling place. Each party is permitted to have two watchers and one challenger at each polling place. The watchers may stand inside the guard rail and witness everything that is done by the officials and the voters. They may also scrutinize the ballots during the count. The challenger questions the right of doubtful characters to vote and must not lack a certain amount of physical courage. Over-zealous challengers have frequently been "sandbagged" from the rear, when they went out for lunch. Under this elaborate system of surveillance the purity of elections is incomparably higher than it was before the introduction of the Australian ballot. Fraud is not common, and where it exists, it is usually confined to single localities.

The most direct and effective form of fraud is bribery. There is a large class of voters whose votes are always for sale to the highest bidder, and who are dealt in wholesale, like other forms of merchandise. It was reported in 1916 that carloads of negroes had passed through Louisville, Kentucky, on their way to vote in the North. The adoption of the Australian ballot made control of purchased votes more difficult, but the ruse of the "assisted vote" partly overcame the handicap, particularly in the

South. If the voter is disabled or ignorant, most states allow him to be escorted into the voting booth by an assistant from each of the two leading parties. The assistant keeps tally on the delivery of bribed votes. In Baltimore it was once customary for him to slip a chestnut into the voter's pocket as a token to be redeemed by the Machine cashier. As it became noised about among the colored people that chestnuts were selling for ten dollars apiece, they determined to engage in this lucrative trade with chestnuts of their own. The first few who essayed to sell to the cashier were to their great astonishment hastily ejected, minus their chestnuts and without any money. They later discovered that the marketable chestnuts had been boiled! Other marks of identification have been a peculiar black-headed pin, a distinctive celluloid button, or a tin tag stamped O. K. In past days party workers were commonly paid twenty or thirty dollars, if they could produce a score of votes. This money was disbursed, partly in direct bribes, partly in drinks and free rides to the lower class of voters. It was declared not long since that well-to-do farmers in Maryland sold their votes as regularly as they did their hay, while the negro population had been corrupted *en masse*.

The campaign chest which provides the funds for buying votes, formerly contributed by a multitude of party members, is now raised from the party candidates and office holders, and from corporations financially concerned in the election. The sum must be large. It is necessary not simply to pay a man an excessive rate for his services; the reward must be so extravagant as to make the fires of party enthusiasm blaze inextinguishably. The cost of a mayoralty campaign in New York City before 1910 was about $800,000. Before publication

of campaign expenses Mr. F. A. Ogg estimated the cost of a presidential election to be $15,000,000.

Contributions to the party chest from candidates to show their interest in the fight are always "appreciated" in the euphemistic phrase. They constitute a prior mortgage on the aspirant's official position with so demoralizing an effect that their payment has been somewhat abated by public opinion. Far more despicable are the tolls levied upon government officeholders—with an average annual wage of $625. The law forbids one officeholder to demand campaign contributions from another and prohibits the asking for them in a Federal building, but these regulations are easily evaded. When the names of officials appear on the summons to stand and deliver, they are applied with a rubber stamp, so that the holders are immune. The request for money is couched in terms which assume a voluntary payment. It is an unjust imposition to extort seventy dollars, as in Kentucky, from rural free delivery clerks, whose salary is $400. They are neither able nor in duty bound to bear so large a proportion of campaign expenses which should fall on the rank and file of the party.

The corporations are another fruitful source of revenue. No political sentiment inspires their gifts. They are regarded as a legal form of blackmail, expensive but requisite for gaining desirable privileges. The saloon keeper thinks of his contribution as an extra charge for the license to sell liquor after the closing hour. Likewise an official of a railroad entering New York said a few years ago that his company always sent $5,000 to Tammany Hall at the beginning of each campaign. "It is true that we have to pay separately for our privileges when we get them, but it saves us money in the end. Last year when

we needed to run some tracks across an out-of-the-way avenue, they made us give up $30,000 but it would have cost us double that, if we hadn't had a backer in the Wigwam." Gifts are made to both parties. When New Jersey was a doubtful state before 1896 the Pennsylvania Railroad contributed handsomely to both Democrats and Republicans. Nothing could be more sordid than this balancing of profit and loss over against good government. The growing distrust of great corporations since 1900 and merciless publicity in regard to a party's business connections has discouraged the levying of tainted money from great business concerns.

Another form of open-handed corruption is violence at the polls, a relic of the feudal period of American politics. During the Reconstruction period and after in the South terrorism was employed to keep the negroes from the polls. If threats did not suffice, tar and feathers, or a "cow-hiding" were resorted to. To the present day the negroes are frequently bullied at the polls. In the North gangs of strong fisted bullies move from ward to ward of a city to prevent interference with Machine-organized repeating or personation. An overzealous watcher for a Citizens' League may be blackjacked or arrested, and sometimes the furniture of the voting place is torn up and used in a general mêlée. Such strong-arm methods, however, are now generally used only in precincts where a low class of voters with many immigrants exists.

More subtle have been the frauds perpetrated in connection with the ballot and with registration. So commonly were ballot boxes stuffed in advance of the polls, that in New York glass urns were formerly employed. It was also customary to cast a "tissue" or "pudding" ballot of five or six ballots folded together as one. "Mar-

row fat" fraud consists in the voter's putting in such a ballot, while the poll-clerk enrolls an equal number of fictitious names. No part of the election is more open to fraud than the count. Before the adoption of the Australian system, the judges often counted the votes during the poll, and perverted returns were common. Any falsification in the count is now punishable by an imprisonment of from five to ten years.

The only fraud which flourishes practically unabated in spite of all efforts to check it, is the practice of repeating. The same man votes in district after district, sometimes casting ten or twelve votes in a day. So varied are the devices employed by these floaters, that even those who devote all their energies to curbing the evil are never sure when they have detected all. Over several precincts the Boss places a producer of repeating votes. For months he is busy creating as many lodgings as possible to substantiate the floaters' claims for registration. Janitors in apartment houses, lodging house keepers, even barbers, saloon keepers, and livery men are persuaded to tell inquirers that X, Y, and Z board at their establishments. The producer may thus acquire a hundred and fifty pseudo-residences.

Other means are used to swell the number of names on the registry lists. The Tweed régime in New York City in one year with indecent haste increased the number of naturalizations from 9,200 to 41,000, and the practice still continues. Names of the thirty to forty-five per cent of voters who move away between elections are kept on the rolls and count for an honest vote on election day. The same is done with the names of deceased persons, so that there was a modicum of truth in the remark of a Philadelphian, that they were still voting in his city the

© Harper's Weekly

"That's What's the Matter."

Boss Tweed—"As long as I count the Votes, what are you going to do about it?"

names of the signers of the Declaration of Independence.

On registration day the producer takes his post in a basement near the polling place, where he is visited by a steerer, or "guerilla," who introduces two or three men at a time. They are given each a slip of paper with one of the "doctored" addresses upon it, which they return after registration with the addition of the fictitious name under which they registered. They are then paid one dollar apiece and pass on to the next producer. The slips of paper are kept until election day, when the producer again takes his seat in the basement. If in the meantime a champion of the honest ballot has investigated at the lodging house, the janitor or the liveryman has removed his suspicions. The false addresses are again distributed to the same or other repeaters, who vote upon them unless challenged, when they usually waive examination and disappear.

Repeating attains enormous proportions in large cities, where the election officers do not know more than fifteen per cent of the voters in their districts. So efficient was the Tweed ring in New York City in 1868-1871, that the votes cast were eight per cent in excess of the total voting population. In the New York City elections of 1910 it was conservatively estimated that the number of fraudulent registrations and votes prevented equaled the total number of votes cast.

Various forms of legal repression have been essayed with indifferent success to end corruption in elections. The New York statutes may be taken as typical. The entertainment of voters is forbidden, and the use of money in campaigns is restricted to certain specified purposes, which include printing, fireworks, the renting of halls and offices, and reasonable expenses for the various political

agents, etc., etc. It is a misdemeanor to assess any public official for the campaign chest. The whole amount which may be expended is limited, in the case of governor to $10,000, in that of county and town offices to $500. Both candidates and party committee must file statements after the election of their contributions and expenditures, an adaptation of the Corrupt Practices Acts of Great Britain and her colonies.

Oregon establishes modified state control by means of a campaign booklet published under state auspices, space in which costs fifty dollars a page. Each party is limited to twenty-four pages. Thus for about $100 per candidate a party can reach every voter in the state with a statement of its principles, and any other advertising matter it may wish to make public.

The publication of campaign expenses is a potent curb on fraud. New York led the way in 1890 with a statute requiring the statement of expenditures. Colorado and Michigan in 1891 were the first to demand publicity of contributions as well. By 1911 thirty-five states had framed Corrupt Practices Acts calling for publicity of expenses, though many of the statutes were loose and incomplete; of the state laws the thoroughgoing New York Act of 1906 marked an epoch in the advance of the principle. In national politics the progress of publicity has been slower and more hampered. The Labor party initiated the practice in 1906, and in the campaign of 1908 William Jennings Bryan and the Democrats voluntarily published their accounts. Although the Republican Convention voted down a publicity plank for its platform, its candidate, Mr. Taft, in his speech of acceptance declared: "If I am elected President, I shall urge upon Congress with every hope of success that a law be passed requiring

a filing in a Federal office of a statement of the contributions received by committees and candidates in elections for members of Congress, and in such other elections as are constitutionally within the control of Congress." True to this promise Congress in 1910 passed a bill, amended in 1911, which requires a preliminary statement ten or fifteen days before the election of all receipts and expenses, and a complete and final account within thirty days after the election, under a heavy penalty. The effect of publicity in regulating campaign expenses has been twofold. The unwelcome prominence attracted by unusually large gifts or expenditures has so fostered economy that the cost to the National Committees of the two great parties for a national election has fallen from an estimated $10,000,000 for one party in 1896 to a little over $4,000,000 for both in 1916. At the same time the gifts of small contributors are bulking larger in the support of the party. The Democratic national fund of 1916 was the total of 170,000 donations; according to its treasurer the election came nearer to being paid for by the rank and file of the party than ever before in the party's history.

Of all the remedies for electoral abuses, however, the only sure and permanent one in a democracy is an enlightened public opinion. There are a host of signs that the last quarter of the nineteenth century saw the heyday of the professional politician, and that his dictatorship is waning. We have few bosses so successful as to be national figures like Tweed, Hanna, and Platt. The state or city boss still prospers, but under increasing difficulties in many localities. During the last three administrations the purification of national politics has reacted on politics in general.

The most effective weapon against the Machine is an organization of the honest citizens, an Independence Party, or a Citizens' League. The war on bossdom is conducted by voluntary service and subscriptions through watchers and challengers at the polls, vigorous prosecution of graft, and educational campaigns to stir the unbossed vote. To prevent repeating, lodging house lists and card catalogues of voters are kept up to date and scrutinized at each election. The Chicago Municipal Voters' League is a model in its kind. Organized in 1896 by a committee composed of a Republican and a Democrat from each ward in the city, and other members chosen without regard to party, it is absolutely non-partisan and intensely practical in its work of cleaning up the City Council. Without claiming infallibility or guaranteeing any nominee it stands for thorough investigation and fearless publication of the records of aldermanic candidates. It does not suggest candidates of its own, but makes recommendations among those nominated by the regular parties, unless it is necessary to obtain at least one fit candidate in a ward. Each year the League frames a little platform on the issues of that year, to which all aspirants who wish its support must subscribe. In its annual report, published throughout the city press, it gives in detail the careers of all the candidates, and recommends the best man in each ward. The present improvement over the shameless corruption of the City Council in 1896 is eloquent testimony of the power of the honest voters to set their own house in order, once they are roused.

The tendency of present day ideas with regard to the conduct of elections and to the ballot has two aspects. There has been since 1880, since the accession of "the

new generation after the Civil War," a remarkable renascence of political morality and idealism in the United States, constituting in spite of its ebb and flow a steady, progressive movement. If the picture of corruption which we have drawn seems too dark, it must be remembered that it represents to-day rather the exception than the rule. As for the ballot, we are abandoning the idea that because a man enjoys the suffrage, he must elect nearly every officer in the government. Voting for a long succession of petty offices is more than redundant; it is subversive of real democratic suffrage, because it makes inevitable an ignorant vote, and an ignorant vote is the surest asset of boss monopoly. It is therefore not a curtailment but an extension of the suffrage to limit the number of places which the voter fills with men of his choice, while holding those chosen strictly accountable to the elector for the management of the remainder of the personnel. Reform of electoral morals and reform of the ballot are then essentially the same: an endeavor to add to the weight and effectiveness of every man's vote. They are pillars of democratic government.

CHAPTER XIII

THE AMERICAN PARTY SYSTEM AND NOMINATIONS TO ELECTIVE OFFICE

THE electoral sphere which belongs peculiarly, almost solely, to party in the United States is that of nomination to elective office. In no other country is the number of elective officials so great, the business of choosing them so complex. In the Chicago election of 1906 the voters were asked to fill twenty-five different offices from a list of three hundred and thirty-four names. One ballot in New York City contained the names of eight hundred and thirty-five candidates. The herculean task of deciding which names are to appear upon the ballot falls, through the unwillingness of the individual citizen to assume it, upon a voluntary association, the party. The voter accepts the party stamp as a guarantee of a candidate's worth.

The *raison d'être* of a political party is then seen to be twofold. It is an organization of those who agree upon certain fundamental political issues, and it is also, particularly because of the paucity of great party issues in recent years, a well-oiled machine bent on nominating and electing its members to offices where they may give effect to the party platform. This shifting of responsibility to the party was foreseen and even dreaded by the framers of the Constitution. In his farewell address Washington said, "The alternate domination of one faction over another, sharpened by the spirit of revenge nat-

ural to party dissension, which in different ages and countries has perpetrated the most horrible enormities, is in itself a frightful despotism." Nevertheless the labor involved in forming the party slate and the necessity of enforcing homogeneity among its candidates, early made necessary a compact and vigorous system of government.

As in the recognized institutions of our government, so in the extra-legal party structure, there are three distinct circles, the national, the state, and the local. A National Committee coördinates the party's affairs in the states and carries on the national campaign in presidential years. In the hands of its Chairman is centralized a great and loosely delimited power. Originally he was a temporary official, whose duties were the raising of the party chest and its disbursement, and the advertising of the campaign through systematized public speaking and use of the press. A change came in 1884 with the election of Cleveland, which brought in the Democrats after a quarter century of leanness. To the National Chairman, Senator Gorman, the captain of a stirring campaign, fell the privilege of turning the flood of Democratic office seekers into the Augean stables at Washington. His recommendation was the most sought after; his voice was the most influential in party councils. The office continued to develop under Mr. Quay, the Republican Chairman in 1888, who announced that he intended to make his position a permanent one. The Chairman's authority was pushed to its widest reach by Senator Hanna, the Republican Chairman in 1896 and 1900. In control of a party chest of $7,000,000, of a huge patronage in the South, and with the prestige of two successful campaigns, he became as considerable a figure as the President himself. Though the Chairmanship has waned somewhat in importance

since 1904, its incumbent, if a strong leader, possesses great influence from the fact that he sits at the seat of customs and dictates on what terms campaign funds shall be received and given out. He is the powerful head of an active, continuous organization. He issues the call to the National Convention to nominate the President, and to a large extent he may help to determine who shall be there. He is, as it were, the mainspring of the party watch.

The cogwheels by which his energy is transmitted are the State committees, whose duties likewise center in the conduct of the campaign. Their members are usually selected from districts, the county or the congressional district, for a term of two years, and number from 11 in Virginia and Iowa to 124 in Maryland. Like their national counterpart they manage the State convention, distribute partisan literature, buttons, and posters, and coöperate closely with the National Committee. The campaign is carried on in the smaller divisions within the state by a variety of organizations, some formal, some informal, some recognized by law, others subterranean in their methods. The county, the town, the city ward, have each their Democratic and Republican Committees, while outside these and overruling them exists the party Machine and its Boss, an American survival of the feudal régime.

The Boss is often a man of humble birth, who has gathered the reins of party as the reward of long and faithful work in the wards of a city. He has gained control of the primaries in his district by free spending and unflagging attentions to doubtful voters. He has stood bail in the courts, attended fires and furnished quarters for the refugees, secured jobs for men out of work, bought

© Harper's Weekly

"What are you laughing at? To the victor belong the spoils."

hundreds of lottery tickets at church picnics, and has been an assiduous attendant at weddings and funerals. His ability to handle men is of vastly more importance than his principles. If he is able to wield several primary districts he gains access to the Ring and his progress to the head of the Machine is measured in direct ratio to the number of districts which he carries in his pocket. A full-fledged Boss is an autocrat in his own sphere, so long as he can produce the votes. Power cleaves to him who takes it. He enslaves the liquor interests through his control over the excise. Through his possession of votes he fortifies his position by the control of a large number of city offices, some 40,000 in New York City. His entrenchments are thrown around the City Council, the Bench, and even into the State and National Legislatures.

The *locus classicus* of Boss control of a city Machine is Tammany Hall, the Democratic organization in New York City. The Democratic voters in each assembly district elect delegates to the County General Committee in the ratio of one delegate for every twenty-five Democratic votes cast in the last gubernatorial election. The "leaders" of the thirty-five districts, who are always members of this General Committee of 5,000, constitute the Executive Committee, the actual sovereign power in Tammany. In each assembly district is also maintained a District Committee, which appoints a Captain for every voting precinct in the district. The eleven hundred captains have control of some patronage and much money, and are usually closely allied to the liquor interests. Each is responsible for the vote of his precinct. This powerful mechanism, controlling upwards of 200,000 votes, is manipulated by a Boss who can guarantee the votes of a

sufficient number of districts, so that he holds the whip hand in the executive committee. He may seek office for himself, as did W. M. Tweed, who had himself elected to the State Legislature and to Congress; quite as likely he rules, like Lorenzo di Medici, without a title.

The main purpose for the existence of such Machines as Tammany and hundreds of similar ones in county and state is not, and has never been, to secure the adoption of Republican or Democratic principles. The Machine is concerned primarily in nominating and electing to office its own adherents.

In the days before there were parties in the modern sense, there existed a machine intended to name its candidates in advance of the election. In the decade preceding the Revolution various clubs of agitators against the royal government met in secret to connive at joint action. The name caucus became attached to these conclaves, by a process yet unexplained. Some scholars derive the title from the Greek, others from the Indian, and colonial politicians themselves considered that it was a term of contempt applied to the meetings by the Tories, because they were composed of ship's caulkers and other of the rabble of mechanics. The first caucus club of Boston contained many of the most notable promoters of rebellion against the mother country, among them Otis, Warren, Hancock, and John Adams. A contemporary diary describes their meetings: "This day learned that the Caucus Club meets at certain times in the garret of Tom Dawes, the Adjutant of the Boston Regiment. He has a large house, and he has a movable partition in his garret which he takes down, and the whole club meets in one room. There they smoke tobacco till you can not see from one end of the garret to the other. There they drink flip, I suppose,

and there they choose a moderator who puts questions to the vote regularly; and selectmen, assessors, collectors, fire-wards, and representatives are regularly chosen before they are chosen in the town." The members directed elections by furnishing themselves with ready ballots, which they distributed on election day, filled out with the names of their candidates. An entry in the journal of the caucus in 1772 shows how it operated:

"Voted,—That this body will use their influence that Thomas Cushing, Samuel Adams, John Hancock, and William Phillips bee representatives for the year ensuing.

"Voted,—That Gibbons Sharp, Nathaniel Barber, etc. . . . be a Committee to distribute votes for these gentlemen."

Concerted action usually carried the mass of voters with the caucus.

In other states than Massachusetts the candidates were sometimes named by the Committee of Correspondence or by the Sons of Liberty. But in this case the choice was generally submitted to a meeting of all the voters or to bodies closely resembling the New England caucus. For example, the Committee of Correspondence in New York named representatives to the Continental Congress in July, 1774. They were indorsed by the Mechanics' Club and thereafter received a unanimous vote at the polls.

Between 1780 and 1800 the caucus underwent two changes. The necessity for secrecy was gone, and henceforth the body was a publicly recognized political institution. It became an open town-meeting, such as is still familiar to the inhabitants of rural New England. It was a gathering in which all were supposedly upon a footing of equality, but whose actions were still dominated by small political clubs, or "parlor caucuses," which

were successful because their campaign was agreed upon beforehand.

The change from the town meeting to the convention was due to the increase in population and the difficulties of travel from outlying districts. The 3,930,000 inhabitants of 1790 increased in a decade to 5,309,000, and in twenty years to 7,243,000. A meeting of all a party's voters became unwieldy, and self-appointed delegates assumed responsibility for the nominations, just as the parlor caucuses had done. The delegates came together as the result of an invitation of a single town caucus, proclaimed through the newspapers, to hold a general convention at a designated time and place. A Federalist described a Republican Convention in Massachusetts in 1798 as follows: "A convention of Parisian cutthroats assembled in solemn divan at Abington in the county of Plymouth on Monday last for the purpose of selecting some devotee of republicanized France as a candidate for the democratic suffrages in this dictrict for Federal Representative at the approaching election. They were convened in consequence of anonymous circular letters addressed to several leading characters of their party in the several towns of the District." Of the "self-created delegates" from one town, one was said to be "a perfect Marat not only in personal resemblance but in character," another was "a common drunkard that would barter the freedom of his country for a dram." As party organization gained strength and permanence, however, the convention began to be called regularly by the Chairman and secretary of the district or town committee. By 1800 the district convention was firmly established as a method of nominating to offices lower than the Governor and members of Congress.

The privilege of naming the candidates for offices voted on by the State at large was usurped soon after the Revolution by a caucus of the party members of the State Legislature. This was no doubt in part a resort to the easiest way of making the nominations, in view of the difficulties of travel to a state-wide meeting, and in part an imitation of the Congressional caucus already in vogue for nominating a President. The State legislative caucus was not wholly undemocratic, for prominent party members outside of the Legislature were called in, and the result was frequently submitted to local meetings throughout the state; but Republicans in districts where there was a Federalist majority complained that they were not duly represented.

The stabilizing of the system of nomination by convention and the growth of a representative system of party organization were effected in the renascence of parties following the Era of Good Feeling. The State caucus had long been attacked upon the same ground as the Congressional caucus, as a usurpation of the people's rights. With surprising vitality the Legislative caucus endured until 1824 in New York, when it succumbed in favor of a State convention. Some of the states had already changed, others followed New York's example. During the régime of Jackson, a staunch opponent of King Caucus, a complete organization of State, district, and local committees was established in many states, which made it possible to maintain primaries to elect delegates to nominating conventions in a nearly uniform manner.

The primaries of the first half of the nineteenth century were virtually without legal restraint. They were regarded as private assemblies outside the province of

legislation. Population, however, nearly doubled between 1840 and 1860, due partly to an enormous increase in the number of immigrants from Germany and Ireland. The population of the cities grew fourfold, and the probity of the voters in them sank. As early as 1823 Niles in his *Weekly Register* notes the frequent use of violence at primaries. He describes a Philadelphia primary of 1826 thus:

"Because of the crowd it was proposed to adjourn to the State House yard. A division was attempted to be made on this motion, but the chairman could not determine whether the ayes or noes had it. Now the multitude began to cry aloud,—and from words many proceeded to blows, and most foul and provoking language was freely used; the president was hustled out of his chair, and the chairs and furniture of the room quickly broken into pieces or materially injured. A new chairman, when about to take his seat, was not a little discomposed on being made a floorman instead of a chairman, by a sudden withdrawing of the seat from beneath him. *The Freeman's Journal* says that a Spanish knife was drawn but the use of it was prevented; and the *Democratic Press* asserts that in the confusion a gentleman of good reputation was assaulted by half a dozen of his own party who, among other things, 'ferociously and fiercely bit him with their teeth!'" Niles writes bitterly also of "the regencies and juntos,—the squads of contemptible politicians who have managed the nominating meetings."

The unexampled prosperity which followed the Civil War made it profitable for more clever men than ever to engage in politics as a business. City politics especially became a grafter's paradise. Where the immense spoils

of elective office hung upon the result of an unregulated primary, in an ignorant and purchasable electorate, corruption and violence were inevitable.

The first attempt at primary reform was brought about in California in March, 1866, by a glaringly dishonest conflict between the "long-hair" and the "short-hair" factions of the Union party. New York followed in April, 1866. The subject of primary regulation was widely discussed in the press and in public debates. By 1890 more than half the states had passed laws regulating in some fashion the primary elections.

Legislation since 1880 has followed certain general lines. Whereas the early laws were optional and applied to separate localities, the later tendency was to make the laws mandatory for the entire state. Official registration of voters and a definite test of party allegiance reduced the number of repeaters and prevented the exclusion of *bona fide* voters not under the control of the Machine. The apportionment of delegates to the party conventions was regulated by law. The expenses of the primaries were made a public charge. The ballot was made official, and judges and inspectors were chosen from the list of regular election officers. The primaries were held on a fixed day, in most cases the same for all parties. In general, the tendency was to put the primaries and the final elections on the same footing and under similar restrictions.

The first necessity in the nomination of candidates is to insure that Democratic voters do not take part in Republican primaries and *vice versa,* since they would seek to nominate the weakest possible candidates to their opponents' ticket. Legislation to this effect is difficult because it is unfair to require a voter to reveal his party affiliations and thus destroy the secrecy of ballot; nor

can anything in the nature of a party pledge be exacted in advance of election. Under the New York system enrolment on the party lists takes place at the same time as registration for the polls. When the voter appears before the Board of Registration, if he desires to take part in the next primaries, he must cause his name to be entered in the enrolment books. He then enters a booth and marks on a blank provided by the Board the party with whose principles he is "in general sympathy" and whose nominees he intends "to support generally." No pledge is given, but he must declare that he has enrolled with no other party during that year. A week after the next election the enrolment blanks are opened, and the lists composed therefrom serve as the criterion of party membership at the ensuing primaries.

The primaries themselves are held at dates varying with the importance of the offices to be filled at the coming election. Until the advent of direct primaries the vote at the primaries was always cast, not for party candidates, but for delegates to a nominating convention. On a day duly announced in the newspapers the voter went to the polls assigned to his party. If his name was found on the enrolment book, he was given one of each of the ballots which had been furnished by the Custodian of Primary Records, printed upon papers of distinctive colors. Entering a booth the voter selected the list of delegates he wished to support and folded it without a mark of any kind. This ballot was deposited in the ballot box, while the rest were placed in the box provided for waste ballots.

Few voters realize the crucial importance of the primaries to a really liberal franchise. Regulation is of little value unless the honest citizens grasp the political

© Harper's Weekly

The Tammany Tiger Loose—"What are you going to do about it?"

bull by the horns by turning out in large numbers at the primaries. The Boss concentrates every effort upon getting amenable delegates chosen for the state or county convention. Once this is accomplished he may twirl his thumbs at the rage of the reformers. The final election resolves itself into the choice of the lesser of two evils. The real work of nomination is done at the primaries, whereas the popular attention is fastened upon the more spectacular convention.

The entire program of the nominating convention is mapped out for it, before ever the delegates arrive at the place of meeting. The officers of the Convention have been selected and have their impromptu speeches ready in their satchels. The party platform has been approved by the Boss, the party slate made up, by compromise perhaps, if there are several strong factions within the Machine. Such minute details as the persons who shall propose timely motions, or the moments at which "spontaneous" enthusiasm shall burst forth are all cut and dried. If, when the delegates arrive, any considerable number are found not to be among the faithful, all conceivable persuasion in the shape of bribes, threats, and promises of office is applied, before the Convention assembles.

The meetings of the Convention are opened with prayer by a local clergyman, in whose selection religious prejudices are scrupulously respected. It is a common practice for the clergyman to summon Divine aid to the cause of the party. The hall of meeting must be large enough to seat all the delegates and their alternates, and at the larger conventions a huge audience is also present. Bunting and flags abound, and brass bands stimulate the indispensable enthusiasm. In the Democratic National Con-

vention in 1916 an ass was conveyed into the hall as a noise producer, though with unfortunate results. This is the traditional setting without which the proceedings of the Convention would be as insipid as a political rally without free beer.

The first business after the formal roll call is the choice of a temporary chairman. For several weeks the Ring has had its appointee ready, but such is the importance of this office that there may be a contest. The Temporary Chairman appoints the Committees on Resolutions, on Credentials, and on Permanent Organization. He may name a Committee on Credentials which will bar out enough members from contested seats to swing victory to the side of his cohorts. He may cause the selection of a permanent chairman who will use his parliamentary authority to gag the opposition. The Temporary Chairman is therefore voted for by each delegate *viva voce* and is bound by oath to perform his duty fairly.

While the Convention takes a recess the Committees now proceed to their work. The Committee on Resolutions perfunctorily approves the platform written for them by the party leaders. The Committee on Permanent Organization nominates for permanent officers the candidates whom the Boss dictates. Only before the Committee on Credentials is there great activity. Its function is to decide in the case of contesting delegations which has the right to be seated, and on its work may hang the control of the Convention. Its approval is eagerly sought because it vests the delegates who are seated with the badge of party "regularity." The work of all three committees is generally accepted without debate by the Convention.

After the permanent roll of the Convention has been

made up and the permanent Chairman has been inducted into office, the real and exciting business of the meeting begins. In perfervid oratory the name of the Machine candidate for the highest office is presented to the Convention. The mention of his name, which is reserved until the last sentence, is the signal for a tornado of cheers, horns, and stamping, in an effort to stampede the Convention forthwith. If the opposition weathers the first storm, other candidates may be nominated when order has been restored. The roll call for the first ballot is begun. In all conventions except Democratic National Conventions, where the two-thirds rule prevails, nomination is by a simple majority. The bustling and dickering which went on outside the hall are now multiplied tenfold, if on the first ballot no candidate has a majority. The steerers of each faction rush to and fro, strengthening wavering delegations, whispering rumors which pass as fact, while in the quiet of a hotel room connected by telephone with the Convention floor, the Boss, the dictator in the fray, calmly maneuvers his forces and directs what concessions, what bribes, what threats shall be used. Nine times in ten victory settles upon these unruffled headquarters, though the balloting may continue for days. The opposition is mollified by lesser places on the ticket, which are now voted for in order of importance. After a love feast the Convention adjourns *sine die,* and the delegates go home under the impression that the voice of the people has spoken.

However representative the Convention system may originally have been, the day has passed when delegates speak for the voters in their district. It is difficult to persuade an honest and intelligent man that it is worth his while to spend his time at a convention, which only names

delegates, who will in turn name delegates to a third convention. No honor attaches to the office, and only a high sense of public duty or personal ends to be attained will induce a man to serve. Even if good delegates are secured, no way has been found to instruct them so as to meet all contingencies, nor to compel them to follow their instructions. If the voter is aware that the delegate has misrepresented him, he is without resource to alter the delegate's vote, since the latter is not legally bound to obey his instructions. More probably the voter knows nothing of the votes in the Convention, for ordinary citizens despair of threading the mazes of the system, and leave the primaries to the only ones who have mastered their details,—the Boss and his workers. Even if a delegate accepts a bribe for changing his vote, lax interest in the doings of the convention generally protects him, especially as his mandate is implicit rather than expressed. The ascending chain of ward, city, county, and state conventions thus dilutes moral responsibility. There is no reason either why choice by a convention should be wiser than that by an educated electorate.

Worse still is the premium which the convention places on corruption. The nomination of a candidate is in the hands of a group of men small enough to be "workable." The interval between the primaries and the convention is ample for bartering, and the class of small convention delegates is all too susceptible to financial suasion. A less repugnant form of barter is "log-rolling," or the exchange of political favors. In a machine-ruled convention the Committee on Credentials has the power to exclude such delegates from contested districts as have not bowed the knee to Baal. Originally hailed as a triumph of democracy over the few, the convention system has ended

by becoming the instrument of boss rule and the chief defense of oligarchy. The limitation of the voter to one or two leading candidates, the undeliberative procedure, the irresponsibility of the delegates and trading and jobbery among them, have caused the system to be repudiated in the house of its friends.

So rapid was the progress of democratic opinion that before the movement toward reform of the old primaries and the convention had reached its height, direct nomination had been adopted in several states. Illinois, Iowa, and Pennsylvania passed almost abruptly from the unregulated convention system to direct primaries. Various forms of popular nomination existed in Pennsylvania in the 60's and in many states of the West and the South. The main factors in the spread of the institution were the growing tendency toward complete popular control and the disclosure in the 80's and 90's of gross scandals in the primaries and in party government. This zeal for purification and for responsible government which spread like wildfire during the Rooseveltian epoch, seized upon the direct primary as an agency to its purpose, and before 1917 it was in use in all but six of the states.

The course of direct primary legislation has been similar to that of primary reform, already traced. An optional law for certain cities or counties was followed within a very few years by a mandatory, state-wide enactment. For example, North Dakota in 1905 established direct primaries for all but state offices, but in 1907 it passed a sweeping law covering practically all offices. In the Southern states the system has been adopted with very meager legal regulation. While therefore the genus of direct primary legislation is fundamentally the same throughout the country, the species differ widely in the

method of nominating candidates, the majority required, the question of the preferential vote, the arrangement of the ballot, and the drawing up of a platform.

The names of the aspirants are generally placed upon the primary ballot upon petition of a number of electors. The number of signatures required differs. Procuring a widely signed petition is expensive business, requiring the help of a political machine. A rich or widely known aspirant is at an undue advantage, while neither the quality nor the quantity of the names on the ballot benefits. Later laws have recognized this fact by reducing the number of names demanded and by fixing a maximum as well as a minimum number to prevent expensive competition. The usual figure is put at five per cent of the party voters. In certain states the signatures must be distributed generally through the constituency. It became common for aspirants to seek signatures months in advance of the primaries and to commute the use of the name into a pre-campaign pledge. Some states therefore prohibit the soliciting of names prior to a fixed date. All these measures tend in the common direction of making the primary ballot a democratic instrument.

As to the majority required for a choice, there is great diversity of practice, particularly between the northern and the southern states. In the North and the West nomination is commonly by a simple plurality, though several states provide that, if no candidate receives a certain percentage of the votes cast, the selection shall be made by a convention or a second primary. The compromise between direct primaries and a convention is not wholly successful, for a large number of candidates may be presented on purpose to split up the vote and throw

the choice over to an old-fashioned convention. The southern states on the other hand require a majority and provide that a second primary election between the two highest shall be held in case none is obtained. Ballotage is simple in the South, where party conditions are such that victory in the second primary of one of the parties really signifies victory in the election. The attendance at the former is much larger than at the election itself. In the North the number of elections is already so great that the vote is neither large nor fairly representative, and it would be unwise to pile on another election in the form of a second primary.

To avoid the necessity of a convention or of ballotage resort is sometimes had to the preferential vote. This is designed to remedy one of the faults of nomination by plurality. A reform movement is often burdened with multiplicity of counsels and candidates. Three reform candidates may each poll twenty per cent of the votes cast and yet all be defeated by a Machine nominee with twenty-five per cent, and the reform policy of a large majority of the voters frustrated by a division as to candidates. Under the preferential system the voter names both a first and a second choice, and if no candidate is elected by the first choices, the second choices are then distributed. In the instance just cited the voters by exchanging second choices could confine the election to the three reform candidates to the entire exclusion of the Machine. The preferential system is a strong weapon against the Boss, but it is still little known to the public because of its complexity.

As each name stands on its own merits on the direct primary ballot, there is controversy for the most favorable place on the list. Arrangement in the order of the

time of filing nominating petitions is the least satisfactory method, resulting in an undignified scramble for the initial place. Some states print the names in alphabetical order. This system favors Mr. Abbott and handicaps Mr. Zimmerman in proportion to the length of the ballot, though the extent of the handicap has been exaggerated. To obviate this injustice other states arrange the names in rotation so that each appears at the head of the list an equal number of times.

Another important question raised by the system of direct nominations is the construction of the party platform in state elections, where there are often serious issues toward which the party's attitude must be known. Various alternatives to platform writing in a convention have been tried. In many states the candidate makes his own platform in his campaign speeches, much as did Lincoln in his debates with Douglas. A law of 1904 in Oregon allows the candidate to state his principles in not more than one hundred words for publication in a campaign handbook under state auspices, and to present a statement of twelve words to appear on the ballot as his platform. In states where a convention is held in default of the necessary percentage at the primaries, this gathering also draws up a statement of the party's policies. A Wisconsin law of 1903 provides for the formation of a platform by the party nominees together with the holdover party members of the legislature. This method insures responsibility on the part of those who will be in a position to carry out the party's agreements by executive and legislative action.

The method which approaches nearest to the spirit of the direct primary is in use in Texas. On application of ten per cent of the party voters any question of party

Awaiting Returns on Election Night, New York City

policy must be submitted to the voters at the primaries. In fact, all demands for specific legislation must receive the endorsement of a majority at the primaries. When one remembers that the platform framed by the convention was a perfunctory and rhetorical document, rarely destined to fulfillment, it must be admitted that the direct primary is a leavening influence rather than an impediment in platform making.

Certain aspects of the direct primary have become plainly evident in the past decade, which must not be overlooked in adjudging the institution a failure or a success. It is clear that direct primaries are more expensive than indirect. · A publicity campaign must be carried on, not within the limits of a hall, but throughout the constituency. In a close fight the expense for advertising, stump speaking, workers, and conveyances equals that in a regular election. "Yet if this expenditure is directed toward the education of the public, the outlay is on the whole desirable, provided the sum necessary is not so great as to exclude or unduly obligate the poor man." Any reasonable expenditure which breaks the lethargy of the public and makes government a vital and engrossing interest to the individual citizen is money well spent.

The number of aspirants to the party ticket is not so large as was anticipated. Generally the contest narrows to two or three rivals, for few desire the fame gained by finishing a poor sixth or seventh at the primaries. Furthermore the time and money required bar out political dilettantes. Racial and geographical prejudices do not have such an influence as was predicted by the opponents of reform. We have the German-American candidate and the Lower California candidate, but in general a man's

popularity depends upon other qualities than his birth and birthplace.

Most disappointing to the friends of the new order has been the effect on parties. The direct primary has manifestly not done the party to death. Party organization flourishes, and the Machine candidate presents himself with the independents for nomination. The loyal party man cried "Wolf" at the new system with more genuine alarm than insight, and having survived the impending danger he has driven his fences as securely as before. True it is, however, that the independent voter has a check upon the Ring. While a party slate may be made up in advance of the primary, it is so easily broken that the quality of the nominations has of necessity improved. The action of the preliminary caucus is submitted to a referendum in which the electorate may entirely disavow the Machine. The decline of Tammany has been noteworthy since the introduction of the direct primary in New York.

The system does not of necessity obtain good officials; Curley was nominated for Mayor of Boston while in jail for fraud. The quality of the party slate is precisely as high as the sense of civic responsibility. The *sine qua non* of success in the direct primaries is sufficient public interest in good nominations to bring a majority of the electorate to exercise the franchise. On this point the evidence seems to be clearly in favor of the direct system. It does draw out a larger vote than took part in the choice of delegates. The personal nature of the contest, the increase in zealous campaigning, the added importance of the individual vote, all further the general participation in elections, which must be the basis of all democratic rule. While therefore the direct primary

has not fulfilled all that was predicted for it, it constitutes a great advance in educative influence, in making the party machine responsive to the voters, in increasing the independent vote, and in procuring more efficient officers.

The long duration of direct primaries is already threatened by two still more radical innovations. When we took over the Australian ballot we retained both the American system of nomination by convention and the English system of nomination by petition. Almost exclusive attention was paid for half a century to the development and regulation of the former, but since 1900 there has been a reversion to nomination by petition as a means of breaking the Machine's control of nomination. The state of Washington decreed in 1907 that the names of aspirants filing petitions for judgeships were to be printed upon the ballots of each party. This method is now quite common for school officers, and other functions where party allegiance is non-essential. Every signer of a petition binds himself to support the candidate, and can sign only one petition for that office. The petitions must bear a certain number of signatures, duly distributed through the constituency. This system throws away all the legal safeguards which have been built about the nominating process. If the boss can control it, his power will be more unrestrained than ever. It is therefore of dubious wisdom to apply this method more widely than to educational and judicial offices, until a means of countering machine-made petitions has been evolved.

The non-partisan idea implied in nomination by petition is carried still further by the innovation of non-partisan primaries and the non-partisan ballot, especially

in local elections. The motive of the change was stated by Mr. Walter Fisher: "You can not by any possibility successfully operate a party which is organized on national and state lines and fit that party to a municipal election. . . . The lines of cleavage of the different parties are different. The lines upon which they are agreed in national and state elections are not the lines governing the municipal election." The forced union of the tariff with questions of a street railway franchise and the police department is detrimental to civic government. In the non-partisan primaries in cities in Iowa adopting the commission form of government, all voters participate regardless of their party and choose for mayor and commissioners twice as many candidates as there are offices. In reality an ante-election is held, which takes the business of nomination entirely away from the party and places it in the hands of an undifferentiated electorate. Perhaps an equally satisfactory method of avoiding state recognition of party candidates as such would be to place the nominees offered by the systems now in vogue upon the ballot without any indication of their party connection. They would then be unendorsed and would depend on the presentation of their merits to the voter to capture his vote. This is the farthest reach of the tendency, seen in primary legislation for the last forty years, to free the primaries from the unquestioned control of party and to make them a separate election, regulated in all their minutiæ by legislation.

Apparently then the direct primary is only the penultimate phase of party reform. The American public is as restlessly eager as the Athenian for some new thing. Having the direct primary it finds that it has legislated the party and with it the party machine into the statute

books, and given it in some cases an overpowering lead against the independent candidate. A pessimist would say that the only cure for the party machine is a vigilant attention on the part of the voter, and that he simply will not give this. The optimist seeks a check on the party by putting its candidates back on a level with all others, and compelling them to demonstrate to a presumably interested electorate that they have more than the party stamp to commend them for office.

CHAPTER XIV

PRESIDENTIAL NOMINATIONS AND ELECTIONS IN THE UNITED STATES

THE history and the methods of choosing the President of the United States merit a fuller description. We have seen the fear which the Fathers felt towards parties, and the manner in which they ignored them in the process of choosing a President. In 1800, however, the Federalists themselves resorted to a congressional caucus to avert the election of Jefferson. The Federalists in Congress nominated Adams and Pinckney and agreed to try to get them elected. The Republican press denounced this arrogant usurpation of the people's rights by a "Jacobinical conclave," which did, indeed, completely destroy the system intended by the Constitution. The Republican congressmen, however, followed the Federalist example, though both caucuses were kept secret as a culpable practice. In 1804 the congressional nominating caucus emerged into full publicity and became the rule for nearly twenty years.

Variants developed some time before the system wholly lost favor. The prototype of the National Committee appeared in 1812 in a corresponding committee with a member from each state. During the transition period which followed the bolting of the Jackson men in 1824 several methods of nomination supplemented the congressional caucus. Frequently a candidate was proposed by the party members of a state legislature. Other means

were the mixed convention, consisting of the party members of a state legislature and delegates from the districts not represented by them. The antagonism to the congressional caucus grew so steadily that in 1824 only a quarter of the Democratic members of both Houses attended the conclave, and their candidate stood a poor third at the polls.

The nominating convention grew out of the democratizing tendencies of the Jacksonian era, which sought to refer all matters to the decision of the people. In 1831-1832 the Anti-Masons, the National Republicans, and the Democrats for the first time adopted the innovation of a representative convention. The National Republicans, in addition to naming their candidates, drew up a set of resolutions or principles, 455 words long, the first party platform. The National Convention thus established has been the universal practice of all the great parties since 1840.

In accordance with the new social leveling of the thirties and forties the Convention was made thoroughly representative. Originally each state was allotted as many delegates as it had electoral votes or members in Congress. In 1868 the representation was doubled. The delegates were chosen, until the advent of direct primaries, two by the party convention in each congressional district, and four delegates-at-large by the state convention. There are thus some 970 or 980 delegates in all. In the Republican Convention of 1916 the representation was reduced for districts where the party vote is negligible, as it is in the South.

Theories differ as to the status of a delegate. The convention which sends him may instruct him how to cast his vote, but he is neither implicitly nor explicitly bound

to follow its charges. Any one of a number of motives may induce him to vote otherwise, particularly after he has voted as bidden on the first ballot. In the Republican convention each delegate may vote as he pleases, even when his delegation has been instructed to cast a solid vote; and nominations are by a majority of all the delegates. On the other hand the Democratic party maintains here, as elsewhere, the doctrine of state integrity. If the delegation is instructed by its state to vote *en bloc*, its voice goes on the side of the majority within itself; otherwise the delegates are free to decide whether they shall vote individually or as a unit. This is the famous Unit Rule, which originated in the first Democratic national convention, and has held with slight modifications down to the national convention of 1916, where its supremacy was impugned. It was foreseen that with a majority vote under this system the delegates from Republican states might nominate their own favorite, who would then depend for election mainly on the votes of the solid South. In Democratic national conventions nominations have therefore been made since 1832 by a two-thirds vote. Although these and other rules are based only on precedent, they have quite the force of written law.

The procedure in the nomination of a president and a vice-president is similar to that in the choice of other officials, but the importance of the office and the historic struggles which have occurred in former conventions, evoke a dramatic intensity, an almost riotous enthusiasm, which has no parallel in a similar assembly elsewhere in the world. So huge is the crowd which attends, that a large city is necessary for a meeting place, Chicago being the favorite. The state delegations arrive *en masse* with brass bands and hosts of camp followers. The foremost

politicians and statesmen of the country fill the hotels, and on the opening day, the city is crowded to its utmost capacity. Processions pack the streets with banners or red fire, while heelers and party whips bustle from one state headquarters to another, and work havoc, like foxes in a chicken roost, among the ranks of the other candidates. The only interested persons whom etiquette does not allow to be present are the candidates themselves.

Of these there are three types, the Favorite, the Favorite Son, and the Dark Horse. The Favorite is a man known all over the Union, high in his party counsels, who has already run a considerable part of the *cursus honorum*. To balance these assets he has accumulated in his career a large number of political opponents and his virtues have lost the charm of novelty. It is a truism to say that the most conspicuously able men are seldom raised to the Presidential chair. They are, like Henry Clay or James G. Blaine, too well known. The Favorite Son is a less familiar figure. With a strong following in his own state, he has little or none outside it, and the proposal of his name is generally a perfunctory manifestation of state pride, unless he comes from a large and doubtful state like New York or Ohio, whose electoral vote is worth conciliating. The Dark Horse must be colorless and unobjectionable. He may never have been thought of as a possibility, until his name is brought up on the Convention floor; or again his manager may have been grooming him in secret for the moment when the better known candidates are being deserted. Thus Pierce and Garfield were comparatively unknown before their nomination. A candidate of any of these classes must be able to undergo the most searching scrutiny of

his political career, his business record, and the most intimate affairs of his private life.

The names of the aspirants are placed before the Convention one by one in a roll call of the states with the old-fashioned Fourth of July oratory. As each name is proposed an attempt is made to stampede the delegates by prearranged cheering. In the Republican Convention of 1908 the name of La Follette evoked twenty minutes of pandemonium, while delegates, led by the candidate's small son, paraded the aisles with lithographs and banners. Only the iron lungs and the indomitable will of the Chairman prevents the Convention from becoming a howling mob. When all the nominations are in, the voting begins. After the first few ballots the delegates for the Favorite Sons see the hopelessness of their cause and hasten to "climb on the band wagon" of one of the Favorites. As count follows count, a deadlock may develop between two leaders. The time is now fulfilled for the entry of the Dark Horse. Rather than yield to a hated opposition one of the leaders switches his supporters to the newcomer. So in 1880 Blaine telegraphed his managers to turn his votes over to General Garfield on the thirty-fourth ballot and assured the defeat of Grant. The landslide spreads and sometimes within a few ballots a comparatively unknown man has been elevated to the dizzy pinnacle. It is not unusual for a nominee to be chosen within the first three or four ballots, but often the contest continues for days. In 1852 Franklin Pierce was nominated on the 49th ballot, and in 1860 Stephen A. Douglas won on the 57th. Finally with as good grace as may be, the nomination is made unanimous, and the Convention then turns to the choice of a Vice-President. So little is the office considered that it is

usually left to one of the defeated Favorites, or to the Favorite Son of a state which demands propitiation.

Theoretically the historic party convention is the pure embodiment of delegated authority, a representative and democratic institution. Its services since its first appearance in the thirties have been many. It has stimulated a vigorous organization for the party as a whole. No other system places the party above sectional lines and the local peculiarities of East and West, North and South, which traverse its structure. The argument heard at a large university in favor of compulsory morning chapel applies to the Convention. It is an impressive symbol of party unity, emphasizing its nation wide constituency and begetting enthusiasm which oils the gears of our political engine. Serious mistakes have been avoided by the gauge it offers of a candidate's real popularity. Business men whose time is precious are spared the time and expense required by an elaborate campaign to get their names before the people; and the maturer judgment of the Convention has often picked able men who had not yet caught the public fancy. Searching publicity forces an honest and able management of the business of the National Convention. In spite of its haphazard mode of filling the highest offices in our government, it has taken such a hold on the popular imagination that it will probably long be retained.

It is an ever-growing anomaly that the highest offices in the United States are not filled by direct election. Since the Seventeenth Amendment was passed in 1913 United States senators have been chosen by the people. They were under the Constitution the representatives in the Federal Legislature of the rights of the states, chosen two from each state by the Legislature thereof. Discon-

tent with the conservative and obstructionist tendencies of the Senate, and the shocking revelations of graft, such as the case of Senator W. A. Clark of Montana, who paid $460,000 for his election, caused the change to the direct system. Having been blocked in Congress by the Senate alone five times, the Amendment was finally passed.

The election to the Presidency is still nominally indirect. The distrust felt by the Constitutional Convention in 1787 toward the discretion of the people in choosing their own leaders is a matter of familiar knowledge. Roger Sherman of Connecticut deemed that "the people would never be sufficiently informed of the character of men to vote intelligently for the candidates that might be presented," and George Mason declared, "It would be as unnatural to refer the choice of a proper person for President to the people as to refer a trial of colors to a blind man." No less than ten modes of election were seriously considered, and no point in the Constitution was debated at greater length. The device of an electoral college was finally decided upon as the surest to avoid "the heats and ferments," "the negotiations and intrigues" of a popular choice.

By the Constitution each state is entitled to as many presidential electors as it has senators and representatives in Congress. The popular vote was to be cast, not for a President, but for electors. The chosen electors were to meet in their own states, vote for President, and transmit the result of their vote to Washington. In the presence of both Houses of Congress the President of the Senate should open the certificates, and *"the votes should then be counted."* Since each elector voted for two candidates without distinction, for President and Vice-President, more than one candidate might have a number of

votes equal to a majority of the electors. If no one possessed such a majority, the House of Representatives was to choose a President from among the five highest on the list, the large number being a concession to the nominees from the small states. The votes were to be taken by states, and a majority of all the states was necessary for a choice. The Fathers deemed that they had put the election beyond the reach of popular tumult, and that the count before Congress would be a simple and dignified procedure in arithmetic.

In no case has the intention of the framers of the Constitution been more entirely frustrated. The reason lies in the growth of conditions unforeseen or deemed undesirable by them. The first dispute arose in 1800, when the Democratic Republicans, though possessed of a majority in the college, failed to distinguish between Jefferson, the candidate for President, and Burr for Vice-President. To remedy the lack of a covering clause in the Constitution the Twelfth Amendment was passed requiring that the electors vote specifically for President and Vice-President as distinct officers.

This amendment, however, was far from removing all grounds of contention. The Constitution forbids any United States official to be an elector. But suppose that through inadvertence electors had been chosen who were ineligible? Should a state's vote be annulled? Who was to do the counting? With Delphic inscrutability the Constitution says, "The votes shall then be counted." In the case of treble or quadruple returns, all claiming equal authenticity, who should decide on the legality of a state's vote? If the President of the Senate, was not that to place the election of the President in the hands of one man, perhaps a vitally interested participant? If Con-

gress were to decide, what would happen in case of opposing majorities in the two Houses? What should determine statehood? Was Indiana a state in 1816, or Missouri in 1820? Should an act of God disfranchise a state, as almost happened in Wisconsin in 1857? These and many other questions have troubled Congress perennially.

The theory of the electoral college was that the electors, chosen for superior talents, emancipated from the subtle intrigue of party, should make in Olympian serenity a choice based solely on merit. This plan failed utterly and miserably within twelve years after it was put into effect, yet despite this fact the electoral college has endured for near a hundred and thirty years. No proven case of an elector betraying his responsibility to the party which chose him has occurred since three Democratic electors voted for John Adams in 1796 and kept Jefferson from the Presidency for four years. Senator Thomas H. Benton said: "In every case the elector has been an instrument, bound to obey a particular impulsion, disobedience to which would be attended with infamy and with every penalty which public indignation could inflict. From the beginning these electors have been useless, and an inconvenient intervention between the people and the object of their choice."

With the rise of parties it was inevitable from the method of their appointment that the electors should be partisan servants. From the beginning they were named by the states in one of three ways, by the state legislature, by popular vote in districts, or by popular vote on a general ticket. Appointment by the Legislature was abandoned after 1824 by all save Delaware and South Carolina, which retained it until the Civil War. Election by congressional districts, though open to gerrymander-

ing, would seem the surest test of public opinion. However, since 1832 the general ticket system has been the practically universal rule. The reason for the change was self-preservation, for the state whose vote was cast as a unit exerted a vast influence compared to that which was divided. All the electors to whom a state is entitled are voted for *en bloc* under the name of the presidential candidate favored.

One of the greatest evils of the general ticket system is the manner in which the vote of a large state tends to nullify those of a number of small ones. Eight presidents have been elected by a minority of the total popular votes cast, two by a smaller vote than their leading opponent, because they gained the whole electoral vote of a pivotal state, even though by a bare plurality.* In 1884 the outcome hinged on the result in New York, which finally went for Cleveland by 1149 votes. Had 575 citizens voted differently in New York State Blaine would have won by as large an electoral margin as that by which he was defeated. Each one of the thirty-six electoral votes of the state was controlled by sixteen voters. Consider the enormous premium put upon fraud in the large states in a close campaign, when a single dishonest ballot influences one fifth of the number of electoral votes necessary for a choice, instead of the three of Rhode Island or Idaho, or a single vote under the district system.

The crowning fault of this hoary and useless electoral system is that it is not representative. Taking an average of all the elections since the general adoption of the general ticket system in 1832 the percentage of the electoral vote obtained by the winning candidate is never

* Except for 1868, 1876, and 1916 no party has won an election since 1856 which has not carried New York.

found to be an accurate index of his percentage of the votes cast for the candidates of the two great parties. The average percentage of the electoral vote falling to the winner has been sixty-six per cent, whereas that of the popular vote has been fifty per cent. Time and again the unwisdom, the injustice, of such a discrepancy has been demonstrated. In 1824 Jackson received 155,800 votes to Adams' 105,300, yet on the ballot in the House of Representatives (the electoral college had furnished no majority), Clay's influence turned the election to Adams. In 1860 Stephen A. Douglas, champion of squatter sovereignty, rolled up a popular vote within 500,000 of that of Lincoln, yet won but one-fifteenth of the latter's electoral vote. Douglas led Breckinridge by another 500,000, but his electoral vote was twelve and Breckinridge's seventy-two. Grant's percentage of the popular vote in 1872 was fifty-five; of the electoral vote eighty-four. The election of 1876 was bitterly disputed, and almost led to violence at the inaugural ceremony. Whether the Democratic or the Republican returns be accepted, the popular vote for Hayes was about 250,000 smaller than that for Tilden. The awarding of the vote of the electoral votes of Florida, Louisiana, South Carolina, and Oregon to Hayes gave him a majority of one in the electoral college. The minority candidate was again elevated to the Presidency in 1888 at the expense of the Democratic party. Cleveland outstripped Harrison by 100,476 votes, but was defeated in the electoral college by a margin of sixty-five. It has been proven beyond the shadow of a doubt that the connection between the popular vote and the filling of the highest office in the land depends entirely too much upon chance.

Even more haphazard has been the development of a

system of counting the electoral votes. No clause in the Constitution has through its cryptic brevity more seriously threatened the peaceable existence of the government. In 1793 was established the machinery for a count which with the changes in 1887 has endured ever since. The President of the Senate was to open each ballot and declare its contents to one teller from the Senate and two from the House of Representatives. The tellers performed the arithmetical computation and reported it to the chairman who announced the result to Congress. The first election disputed as to electoral votes occurred in 1800. Jefferson and Burr had each seventy-three votes, John Adams sixty-five, and Thomas Pinckney sixty-four. The biographer of Burr, Matthew L. Davis, asserted that Jefferson, President of Senate, improperly accepted the four votes of Georgia for himself and Burr. Had these been cast out on the ground of irregularity all four candidates would have come before Congress, and Jefferson could not have been elected. From the outcry raised by the friends of Burr at Jefferson's election, as well as the protests of the Jackson men at J. Q. Adams' election in 1824, it may be judged whether the electoral college has been proof against "the negotiations and intrigues of party." After Jefferson became President, the Twelfth Amendment provided for the separate choice of President and Vice-President.

An unforeseen complication arose over the vote of Wisconsin in 1857. The Act of March 1, 1792 had set the date for the vote by the electors in the states for the first Wednesday in December in order to "close the opportunity as much as possible against negotiation, intrigue, and corruption." A violent blizzard prevented the Wisconsin electors from reaching the state capital on that

day, and the vote actually took place on the following day. Again, as in the case of Indiana in 1816 and Missouri in 1821 the knotty question was mooted as to who should decide the validity of a state's vote. Opinion was widely split, some holding that sole power resided in the President of the Senate, some asserting that "the two Houses assembled together are a *board of canvassers* organized by the Constitution for the express purpose of counting these votes," and voting *per capita* in case of dispute. The theory of a *casus omissus* in the Constitution was advanced, and the imperative need of special legislation was urged. But in the true Anglo-Saxon spirit of *laissez-faire,* the question was allowed to drop from sight because it had not yet vitally affected an election.

The issue which was evaded in 1857 recurred in the Hayes-Tilden contest of 1876 with such intensity that it could not again be downed. Tilden was conceded a plurality of 250,000 popular votes, but the undisputed electoral returns were 184 for Tilden and 163 for Hayes, with double returns in four states. In Florida there were charges of fraud, in both South Carolina and Louisiana there had been violence at the polls, and in the latter two state governments each claimed the right to certify returns. Any one of the twenty-two disputed votes from these states and Oregon (also contested) would have given Mr. Tilden the election. As the House was Democratic and the Senate Republican, no accord could be expected there in deciding upon the contested returns. Senator Edmunds of Vermont predicted civil war, but fortunately patriotism was stronger than party spirit. The Electoral Commission Bill, in every sense a temporary compromise, was enacted, forming a board of five Senators, five Representatives, and five Justices of the Su-

preme Court, to decide questions of multiple returns. The parties were exactly balanced in the Congressional members appointed. The statute had named two justices from each party and had left the choice of a fifth to the other four. The selection of a Republican Justice practically settled the election, for every vote given by the Commission was a strictly party vote of eight to seven in favor of the Republican returns. The threats of violence to prevent Mr. Hayes' inauguration were silenced by the praiseworthy moderation of Mr. Tilden, and by the promised withdrawal of troops from the South, but in many Latin countries a revolution would have shaken the state at far less provocation.

Ten years later Congress at last passed the Electoral Count Act to prevent the recurrence of such a dangerous crisis. The Commission of 1877 had declared the lack of power of the Federal government to go behind the ultimate authority of the state in ascertaining the correct electoral returns, and this principle had met with increasing popularity. The Act of 1887 provided that each state must settle all electoral controversies at least six days before the meeting of the electors. The latter must send their certificates of election, signed by the Governor, to the President of the Senate. On the second Wednesday in February the votes are canvassed in joint session by two tellers from each House. In case of double returns, the certification of a Governor is the ultimate authority, unless claimed to be illegal, in which case Congress is to decide by concurrent vote. If the Houses disagree, the returns which have been certified under the state seal shall be preferred. Thus the responsibility for the electoral vote is thrown back upon the several states, as the Constitution seems to have intended; and Congress be-

comes only a court of last resort, acting when it is impossible to ascertain between two rivals the true government of a state.

Even with the Electoral Count Act of 1887 the electoral system is still archaic, needlessly complex, and inadequate to present conditions. Any complication which thwarts the choice of the individual voter diminishes the significance of the ballot, and by that much discourages participation in the government. Under the general ticket system every vote cast for an unsuccessful candidate is as totally lost as if the voter had not troubled himself to go to the polls. In states which are consistently Democratic or Republican, the voter of the minority party has never yet deposited a ballot which had the slightest effect on the final result and he is therefore in reality disfranchised. If it is argued that a Democratic minority in one state balances a Republican minority in another, the wide discrepancy between the popular vote and the electoral vote in the last century is proof of the contrary. The electoral college is worse than a fifth wheel to the coach of democracy; it is unrepresentative and on occasion has been the bone of dangerous contention.

The needed reform of the system is twofold: abolition of the electoral college, and some provision for making the Federal count simply a process in addition. It is not necessary in making an end of the electors to change the present relative weight of the states in the election. Each state could retain as many presidential votes as it now has electors. To insure proper representation for all in the choice of a President, let those votes be allotted to the various parties in direct ratio to the votes polled by them. No voter would then feel that his ballot was cast in vain, for even though he and his fellow sympathizers secured

only a decimal part of a presidential vote in the state, that fraction would go to swell the total in the other states, instead of being entirely lost as at present. Let the state be the supreme authority in settling its own electoral controversies, Congress requiring only that the final returns should be unquestionably certified under the Governor's signature and the state seal, and refusing to accept other returns than these. The power of either House to disfranchise a state then ceases, and the count at the seat of government involves simply the addition of the whole and fractional presidential votes bearing a state seal, and the proclamation of the person who has received a plurality thereof.

The advantages of such a system are manifest. There can be no multiple returns, except in the event of two state governments both claiming authenticity. In any case the state itself is alone responsible if its vote is lost. The temptation to graft is minimized, for each fraudulent ballot affects only a ten thousandth part of a presidential vote. The proposed reform would on the other hand stimulate honest party life in such districts as the South, which are now consistently uni-partisan. It would give to all parties an effective voice in presidential elections, a condition indispensable in a government by discussion.

CHAPTER XV

ELECTIONS UNDER THE FRENCH REVOLUTION AND NAPOLEON

The history of modern elections in France begins with the Revolution of 1789. Previous to that date there had been, we may remind ourselves, no national election during the preceding two hundred and seventy-five years; and the election of 1789 itself was conducted upon medieval principles and is only slightly reminiscent of contemporary contests at the polls.

The causes and course of the French Revolution we must pass by with only a brief reference. Every one knows of the misery endured by the French peasants, upon whom fell the brunt of the taxation from which the nobles and clergy were exempt. Their discontent was equaled by that of the middle classes, who were jealous of the social preëminence of the nobility and disgusted with the extravagance of the court. The spread of popular philosophy did much to undermine the existing institutions of France, such as the feudal system, the Church, and the absolute monarchy, which were held up to popular disapproval as outworn remnants of an age that was past. Such criticism was supplemented by the constructive theories of Rousseau, who pointed out the way to a new and better social structure, based upon the sovereignty of the people. And at the same time the Amer-

ican Revolution furnished a practical example of the success of democracy.

Discontent and aspiration for a new political and social régime found opportunity for expression and action in the financial dilemma of Louis XVI's government. France was on the verge of bankruptcy, the mechanism of government threatened to run down from lack of motive power, and all efforts to fill up the deficit by new loans proved vain. As a last resource the king was forced to call the Estates General, the form of elections to which we have already discussed.

The Estates met at Paris in May, 1789. Louis had hoped that they would find a solution for his financial difficulties and then disperse. The deputies of the Third Estate, however, now that they had come together, were determined to go farther and give to France a constitution based upon the principle that the people's will is sovereign. Despite innumerable setbacks, they forced the deputies of the clergy and nobility to join with them in forming the "National Assembly." An attempt on the part of the Queen, Marie Antoinette, and her reactionary advisers to dissolve the assembly by force, was frustrated by the rising of the people of Paris on July 14, which culminated in the fall of the Bastille. In October the royal family was brought to Paris and henceforth was under the surveillance of the people. The Assembly followed and devoted itself to the task of drawing up a constitution, acquiring thereby the name, "Constituent Assembly."

The new reform of government, which resulted from its labors and went into effect in 1791, left executive power in the hands of the King. He was, however, no longer absolute monarch and was deprived of many of the attri-

butes which nowadays go with sovereignty. His veto on legislation was to be effective only during the course of two sessions. Legislative power was placed in the hands of a single-chamber assembly, consisting of 745 members, which had the right of passing fiscal measures regardless of the royal suspensive veto, and which could not be dissolved by the King. Its assent to the proclamation of war or the confirmation of treaties was made essential, and to it the ministers of the six executive departments were made absolutely responsible.

Not the least important part of the work of the Constituent Assembly was its organization of a system of elections. Now that the principle of popular sovereignty had been recognized and the nation was to be ruled by its own representatives, steps must be taken to provide for the choice of those representatives, who were to carry on the work of legislation. The system evolved was in the nature of a compromise, for the Constituent was obliged to satisfy in some degree the democratic aspirations which had been aroused by the rapid and successful course of the Revolution, and it must also reassure the fears of the more conservative, who feared lest the Revolution should go too fast and too far. This compromise granted to the lower classes a rôle in elections, but one so restricted that chief influence, when it came to voting, would remain with the middle-class bourgeois.

According to the electoral system put into operation in 1791, the principle of universal manhood suffrage was by no means recognized. Citizens were divided into two categories: passive and active. To the former there was guaranteed full civil rights, but they were excluded from all voting privileges. To be an active citizen and to take part in the political life of the nation a man must be at

least twenty-five years of age, and must pay in direct taxes a sum equivalent to the value of three days' labor. As a day's labor was adjudged to be worth twenty sous, this meant that as a prerequisite to the suffrage a man must pay about three francs in direct taxes. The qualification was not high, but it was sufficient to exclude a large part of the population of France. Of the twenty-four millions living in France, only four millions were eligible to become active citizens with voting rights. The Constituent Assembly thus nullified the value of its own doctrines; for in the Declaration of the Rights of Man, it had maintained that all citizens were equal; yet now it refused to eighty per cent of the nation the right to take part in elections. For the old aristocracy of birth it simply substituted a new aristocracy of wealth.

The law also excluded from the category of active citizens all domestic servants, for the middle-class legislators feared lest persons in that class would be influenced by their aristocratic masters and serve the interests of the nobility in elections. Furthermore all bankrupts and insolvent debtors were not allowed to exercise the franchise.

Before the citizen could be registered upon the list of voters he must show that he was of age, that he had lived in the town or district for a year, and he must display the receipt for his taxes. The ceremony of registration was not without its attempt at civic solemnity: the prospective elector must place his hands between those of the chief administrative official of the district, and swear to maintain the constitution, to be faithful to the nation, the law, and the king, and to fulfill with zeal and courage the civil and political functions confided to his care.

Those functions were not, however, of great import-

ance or weight, for the voters did not choose the deputies to the national Legislative Assembly directly. They merely named the members of the electoral colleges, one elector for each one hundred primary voters. To be chosen to the electoral college a man must pay a direct tax of at least ten francs annually. The deputies named in the electoral colleges must be selected from amongst those citizens of the department who paid at least a silver mark, or about fifty francs, in direct annual taxes.

It is obvious that, according to this first constitution of the French Revolution, the democracy was not given large influence in elections. The choice of the voters in the primary elections was restricted and they could only name persons comparatively well off. In the secondary elections of the deputies, which took place in the electoral colleges, the range of choice was still more restricted. Furthermore, the elections were protracted, much time being lost in vain formalities; with the result that only wealthier persons could afford the time demanded by the process of voting. The poorer citizen was by no means inclined to spend a day in making the trip to the place of election, two or three days there, and another in the journey home. Hence a large portion of active citizens failed to avail themselves of the new voting privilege and abstentions were numerous. Many of them possibly felt that it was not worth while to take the trouble to vote, since the real choice of the deputies was only made in the electoral colleges. At Paris, in 1791, hardly ten per cent of the active citizens came to the polls. The members of the electoral colleges often did not take the trouble to attend the elections of the deputies. In the department of Lower Seine, the richest of all France, of the 700 electors, only 160 came to the meeting of the electoral col-

lege, and as the election consumed three days, most of them became wearied and left; at the final vote only sixty electors took part.

It is not surprising, therefore, that the Legislative Assembly, elected according to this system, was composed of men who were for the most part conservative in their sentiments. The vast majority were royalists ardent in their devotion to the ill-fated Louis XVI, and had the King been willing to accept the new limits placed upon his authority and had he displayed loyalty to the moderate liberalism desired by the middle class, he might have preserved his throne and his life. Louis, however, was determined to fight the constitution; he was unwilling to owe his position to the people and accept the doctrine of popular sovereignty, and he disliked especially the limited character of the veto power which was accorded to him. He quarreled with the Assembly over the treatment which should be accorded to the priests who, in their hatred of the Revolution, refused to take the oath prescribed and stirred up disaffection, and also over the measures to be taken against the emigré nobles, who had left France in the hope of gathering an army, enlisting the assistance of the other Powers, and returning to crush the Revolution by force. Nor was the Assembly itself in a firm position, for it was distrusted by the people of Paris.

This distrust sprang in part from the unsatisfactory nature of the electoral system which had made the unpopular distinction between active and passive citizens. It is interesting to note that Robespierre himself had not thought it best to demand universal suffrage, and regarded it as a calumny when he was accused of desiring it. But the masses considered that they were cheated

of their rights in being excluded from the suffrage. Furthermore, there was great complaint against the stipulation that all deputies must be rich enough to pay taxes amounting to a silver mark, under which the elections to the Assembly had taken place. "I admit that we ought to have some guarantee of worth which will reassure the electors," said Robespierre, "but is that guarantee to be found in wealth?" And the witty Camille Desmoulins had no difficulty in showing that such great men as Rousseau, Corneille, or Mably would have been ineligibles.

The electoral system which drew forth such denunciations was not destined to last; in fact the election of 1791 was the sole occasion upon which it was put into actual operation. For in the spring of 1792 war broke out between revolutionary France, and Austria and Prussia, in the opening conflicts of which the French troops were worsted and the country menaced with invasion. The King had already been discredited by his quarrels with the Assembly and his exercise of the veto power. The people were now convinced that the military disasters of France were due directly to the treachery of Louis and of Queen Marie Antoinette. On August 10, the people of Paris, organized by Danton, stormed the royal palace of the Tuileries, forced the royal family to flee, and compelled the Assembly to decree the fall and imprisonment of the King. The Assembly further voted to dissolve itself and to call a constitutional convention which should determine what should be the form of French government.

Hardly a year had passed since Robespierre had refused to champion the cause of universal suffrage. Now, in the early summer of 1792, it was decided that in the elections to the constitutional convention that the principle of de-

mocracy should be introduced. No longer was there a tax qualification necessary for voting; the sole restriction was that the voter should have resided in his district for a year. With this reserve, every Frenchman aged twenty-one, was allowed to appear in the primary to choose the electoral college. The system of indirect election was maintained, the deputies being chosen as before by the members of the electoral colleges; but the sole condition of eligibility for the electoral college was now simply one of age, twenty-five years. The same was true in the case of deputies, the old qualification of the silver mark being discarded as a bulwark of aristocracy unfitted for a freed people. It is impossible to evaluate exactly the number of voters thus enfranchised, but it is obvious that for the first time in history the whole people of France had a chance to take active part in the formation of their government. Notwithstanding the large number of abstentions when the election days arrived, no less than 160,000 voted in Paris alone, and it is probable that a million votes were cast in France.

Partly as a result of the democratic character of the system, and partly because the moderates and reactionaries were afraid to come to the polls, the new Convention was composed of ardent revolutionaries, who not merely assumed the task of forming a new constitution for France, but also the far greater responsibility of defending the nation during a period of three years from the internal and external enemies of the Revolution. Into the history of the Convention, its services to France, and its crimes, we cannot go. Suffice it to say that after deposing and executing the King, and expelling from its midst the more moderate or scrupulous members, it fell under the control of extremists, who waged relentless war

against all Europe, and put down rebellion within France so ruthlessly and with such frightfulness as to give to the period its name of the Reign of Terror. With the successful repulsion of the hostile forces attempting to invade France and after the fall of Robespierre, the Convention was dominated by more moderate spirits; and in 1795 applied itself to the task for which it had been originally called, namely, the construction of a new constitution.

It was natural that the reaction which followed the Terror should affect the character of the constitution of 1795 and render it less liberal than might have otherwise been expected. In the early days of the Terror, June, 1793, the Convention had prepared an instrument of an extremely democratic nature; it had preserved the principle of universal manhood suffrage and it had made elections of deputies direct, abolishing the electoral college. But this electoral system of 1793 had never been put into operation, except perhaps in one or two isolated cases, and the form of government actually given to France, in 1795, was of a far less liberal character.

Under this new constitution the legislative power was to be exercised by two chambers; the Council of Ancients and the Council of Five Hundred. The chambers were to be chosen by the same electors, but under differing conditions of eligibility. To be chosen member of the Council of Five Hundred the candidate must be thirty years of age and have lived in France for ten years. To be member of the Ancients, a man must be forty years of age, be married or a widower, and have resided in France for fifteen years preceding the election. The executive power was to be exercised by a committee of five members, known as the Directory. Directors were selected by

the Council of Ancients from a list of candidates named by the Council of Five Hundred.

The suffrage under which were elected the members of the two legislative Councils, was of a less democratic character than that established for the election of the Convention in 1792. The horrors of the Reign of Terror were attributed in part to the system of universal suffrage then introduced, and when Tom Paine, the American who had gone to France to advocate the cause of democracy, proposed a franchise based upon absolute universal suffrage, his motion was easily killed. There was, indeed, a strong tendency to insist that the legislators must be chosen from the propertied class solely. "We ought," said Boissy d'Anglas, who represented the reactionary movement, "to be governed by the best men. But the best men are those most interested in the maintenance of the laws. You will find such men only among those who possess property and are therefore attached to the country. . . . If you give political rights to men who have no property, and if ever they are raised to the seats of the legislative assembly, they will excite or permit agitations without fearing the effect." This point of view, however, was not accepted and the system evolved proved to be in the nature of a compromise.

It was decided that the voting franchise should be extended to all citizens who paid any direct tax, whether on personal or real property, and who had resided in their electoral district for at least a year. An educational qualification was added, to the effect that every voter must be able to read or write and follow a trade; but this qualification was to become effective only in 1804, and was never put into actual operation. The law excluded from the franchise, as in 1791, all persons engaged

in domestic service. "To exercise the rights of an active citizen," said Boissy d'Anglas, "a man ought to be free and independent. . . . A domestic is neither the one nor the other. . . . He is under the influence of another man, from whom he will borrow opinions despite himself." The law also retained the earlier system of indirect election. The voters chose members to serve in an electoral college, by secret ballot. These electors met in the chief town of the department and elected the deputies to the Council of Ancients and Council of Five Hundred. The number of deputies returned by the department was determined by its population.

The method of voting in the primary elections seems curious to modern eyes. Each voter was called by name and invited to place his ballot in the urn; the ballot was folded so that his choice could not be learned, and was unsigned. The voters were called in turn and could vote only when called upon. If a voter missed his turn he lost his vote. Citizens were therefore forced to stay indefinitely in the hall, waiting their turn, and could not leave for a moment without risking the loss of their franchise. The law seemed created with the design of discouraging voting. Another strange enactment was called the vote of rejection. Each voter might place in the urn, in addition to his regular ballot, another on which he wrote the names of the candidates to whom he was irrevocably opposed. Any candidate who received an absolute majority of such negative votes, was struck from the list of candidates, no matter how many positive votes he might have.

We must picture to ourselves that elections during the Revolution were more in the nature of meetings of assemblies than would be possible in our own day. The voters

came together and remained in session during the course of the election. Long discussions took place, first upon the qualifications of the voters and then upon the candidates. Frequently these discussions deteriorated into mere political wrangles. A law of 1798 reads: "The discussions which may arise and which should not be prolonged, ought to be carried on freely but without disorder, decently and without outrages. They have for their object not the moral and political conduct of individuals, but solely the qualifications which the constitution demands shall be attached to the franchise." One can imagine the scene if in an election to-day the voters at the polls constituted themselves into a debating society! The voters of 1796, as in 1791, must all take an oath in public, swearing hatred to royalty and anarchy, fidelity and attachment to the republic and the constitution.

The meetings at which the primary voters chose the members of the electoral college numbered each between 450 and 900 citizens. We have no figures showing the total number of voters. We know, however, that the number of electors who took part in the proceedings of the electoral colleges when they named the deputies to the Councils was not large. In 1796, in Paris, only 917 of these electors voted, and in the three following years the average was but little above 650. The slight interest taken in the voting privilege, as indicated by the large number of abstentions, is the salient characteristic of elections during the Revolutionary period. We have seen that in the first election of 1791 the large majority of voters stayed away from the poll, and in 1792, in the effort to bring the voters out, the Assembly adopted the curious maneuver of paying the electors for their exercise of the franchise: every elector who had to leave his home

in order to vote was to receive a franc per hour or three livres a day during the time of his absence.

The abstentions from voting, despite this pecuniary inducement, were doubtless due in large measure to fear of violence. As early as 1790 it is obvious that the more determined revolutionaries had decided to frighten away from the polls any voters who were likely to show themselves interested in the cause of royalty, or ready to block the advance of revolutionary ideas. A proclamation of that year tells us that many priests and friends of the privileged classes had been so terrorized by menaces, and sometimes by actual violence that they refused to attend the primary voting assemblies. The election of 1792 at Paris was particularly scandalous in this respect. Under the inspiration of Robespierre, the Paris Commune, or municipal government, issued an edict ordering that the elections should be open, each voter naming his choice in a loud tone, and that the mob should attend the voting session, which by the way was to be held in one of the democratic halls. This meant that the election was delivered into the hands of the mob. No elector would dare give his suffrage for an aristocrat or moderate in the face of the excited crowd by which he was surrounded.

If, by chance, a counter-revolutionary was chosen to serve in the electoral college, some method would be found to exclude him, on the ground of his belonging to a monarchical club or because he had carried on anti-national intrigues. The following protest presented by a commune illustrates the proceedings: "The commune of Vanves begs to denounce the sieur Gallet as an intriguer unworthy to fulfill the functions of elector. The address which it presents declares that forty citizens, on the point of leaving for the frontier to fight the Austrians are unwilling

to leave behind them an enemy named to such an important post as that of elector." The forty were invited to enter and present their accusation against Gallet, who was excluded forthwith.

Intimidation and exclusion from the polls in the election of 1792 proved the more effective, since at the very moment the extreme revolutionaries were terrorizing Paris and France through the September Massacres. With the Austrians and Prussians on the point of crossing the frontier and the great defensive fortress of Verdun on the point of surrender, the French were in a frenzy of fear, and were convinced that their danger proceeded chiefly from aristocratic intrigues. How could they leave for the front, with the traitors free to act in their rear at Paris? On Sunday, the second of September, bands of revolutionaries, evidently organized for the purpose, seized control of the prisons, into which the suspects, nobles, priests, and their friends had been thrown, and began a deliberate butchery which lasted until Wednesday. Under the influence of these scenes of horror which were, perhaps, expressly designed to influence the election, he was a brave elector who dared vote for any but the popular candidate.

In the period of the directory, elections were controlled by less terrible but equally effective methods. The electoral maneuvers were even more scandalous, in that they were employed at a period of comparative quiet and under a regular government, indeed often by that government itself. The Directors themselves did not hesitate to interfere constantly in order to determine the outcome of elections, and used freely both money and their power of official patronage. On one occasion the Minister of the Interior did not hesitate to demand the sum of 750,000

francs to "make certain of quiet" during the election, the use to which that sum would be put being only too obvious. A letter addressed to a local official shows the method by which the government influenced the choice of deputies: "You will find here the names of some of those whom it will be convenient to have elected to the legislative body. . . . You will bring great profit to the public and it will be extremely agreeable to the Directors, if in your department you can have elected some of the men whose names are indicated."

On the other hand, the royalists, during this period, whenever they found themselves in a majority in an electoral college, would expel the electors opposed to their principles. In 1797 they actually carried off success in the elections as a whole. But their tactics were fruitless, for the Directory immediately annulled the election.

The traces of direct bribery are indefinite, but the extent of such corruption must have been wide, for there are numerous discussions and laws dealing with possible means of destroying it. The system of paying the electors for their attendance at the poll, offered a ready cover for paying them extra provided they cast their ballots for the right candidate.

Methods of electioneering during the Revolution were naturally more informal and less completely organized than nowadays. In the first elections we find surprising modesty in the attitude of the candidates; not being accustomed to the electoral régime, candidates were unaware of the tone which they must assume. One of them, addressing the voters in the 1791 election, seems to apologize for offering his candidacy instead of waiting until the office comes to seek him, and excuses himself on the ground that it is the custom in English elections. Instead

© Underwood & Underwood

A National Convention in Session

of advertising his qualities the candidate throws himself upon the mercy of the voters: "If a happy star should permit me to be chosen by you, for I confess sincerely that many citizens are infinitely more worthy of that honor, I swear to fulfill this august function, which a man cannot desire or accept without trembling, to fulfill religiously all the duties imposed." Such modesty, however, proceeded from lack of practice, and in the later election addresses there is ample evidence that the candidates adopted a more modern style of self-appreciation. Many of them stood as independents in the first election, but in 1792 and afterwards the influence of the clubs became all-important. In some cases there are instances of regular tickets, approved by the club or political group of the locality. Regular party organization there was none, inasmuch as parties, in our sense of the word, were non-existent.

If elections were not of the first political importance during the régime of the Directory, owing chiefly to the large number of abstentions and the control exercised by the authorities, they were of even less during the fourteen years of Napoleon's rule. It was not likely that the great Emperor would grant to the people that measure of political authority implied by the existence of a free and liberal electoral system. "Power," he once said, "is my mistress. I love it as an artist loves his violin." The artist does not dare lend his beloved violin, least of all to an incompetent person. Napoleon refused to permit that political authority which he believed that he alone was competent to exercise, to fall into the hands of the masses.

But Napoleon owed his elevation to the will of the people and he could not afford to refuse them the appear-

ance of power. As the young conqueror of the Austrians on the plains of Lombardy in 1796 he had proved himself the most capable general and administrator available. He had wisely left France in 1798 for the conquest of Egypt, in order that the mistakes of the Directors should prove to the people that he was essential. Returning in the next year, he found the Directors discredited by the defeats of French armies undergone in his absence, and by the corruption and inefficiency of their administration. Recognized as the one man who could give France peace and organize order out of the chaos of internal affairs, he found no difficulty in overthrowing the Directory and making himself head of the French government. A plebiscite of all France gave to his new position the sanction of popular approval. It was on the basis of that plebiscite that he ruled, as the delegate or agent of the people. It was inevitable that he should give to the people the similitude of power.

The form of government organized by Bonaparte in 1799 completely answered the exigencies of the situation, for apparently the elected representatives of the people were given full opportunity for sharing in the government; but in reality all power was centered in the hands of one man, Napoleon. Legislative functions were theoretically granted to four national bodies; the Tribunate, which was to discuss, but not necessarily to vote upon measures; the Legislative body, which was to vote upon, but not to debate legislative proposals; the Senate, which was to pass upon the constitutionality of laws; finally, there was the Council of State, the functions of which were purposely left indefinite, but which consisted in part of the preparation and initiation of laws.

Obviously, the legislative organs under this form of

government were weak. The executive was correspondingly strong. Practically all the executive powers were vested in the First Consul, who was given the power of promulgating laws, of appointing all civil and military officials, and who, by his control of the membership of the legislative bodies, actually could compel them to accept his wish in any matter. In 1802 Bonaparte became Consul for Life, and in 1804 proclaimed himself Emperor Napoleon I. These changes affected but little the character of the constitution, except that they concentrated still more completely the whole body of governmental authority in the hands of a single man.

The purpose of the system of voting introduced under the Consulate and the Empire, was naturally such as to give the appearance of extreme democracy while actually suppressing it. "No electoral scheme has ever been devised which, while grounded upon the principle of manhood suffrage, more effectually withdraws from the people the actual choice of public officials, local as well as national." Universal suffrage was decreed for each male over the age of twenty-one who had lived for a year in his communal district, and all such might be inscribed as voters upon the civil register. The voters met in assemblies at election time and chose one tenth of their number to form a "communal list." The persons thus named met to choose in their department one tenth of their number, to form a "departmental list." Similarly the persons whose names appeared upon the departmental list chose a tenth of their number, to form a "national list," from which the Senate was to select the men who served in national and local positions. Under this system the primary electors numbered about five millions, the district notables, or members of the communal list, about

half a million; the departmental notables, about fifty thousand, and the national list, five thousand.

In 1802 the system was altered, in order to restrict still more effectively the choice of the electors. The primary voters were to choose members for two electoral colleges, the one representing the arrondissement, or smaller local division, the other representing the department. Members of these colleges must be chosen from a list composed of the six hundred heaviest tax-payers. The colleges presented the names of persons who should be placed upon the national list, which formed a body of eligibles for the Legislative Body. The Senate actually made the appointment to membership in the Legislative Body.

When we say that the deputies were appointed by the Senate, we mean, of course, by the Emperor. Napoleon, with his capacity for attention to the most minute points of detail, at the moment when he was evolving schemes of the most tremendous grandeur, was not the person to allow the nomination of persons distasteful to himself, either on the score of personality or politics. A letter of the Minister of the Interior to the Emperor illustrates the attitude of the government towards the election of deputies: "Sire, the Vice-Grand-Elector has asked me if Your Majesty had expressed any desire to exclude some of the candidates presented by the electoral colleges for nomination to the *Corps Législatif*. I answered that Your Majesty had given me no order of that kind. I had examined the lists before putting them under Your Majesty's eye, and far from having to criticize the spirit shown in the elections, was forced to admit that never perhaps have the choices been better received."

The illusory character of the system is more clearly appreciated, perhaps, when we remind ourselves that the

primary election was presided over by a government official, and that a voter expressing an opinion hostile to the governmental candidate was likely to pile up trouble for himself; while if he showed himself amenable to the official's advice he might hope to share in the distribution of governmental patronage. Furthermore, the electoral colleges were chosen for life. A voter might cast his ballot for a man in 1802; five years later the policy of the Government had, perhaps, changed and the voter would be glad to see another person in the electoral college, but he was powerless. The electoral colleges themselves found that their right of selection was circumscribed. They must choose a list of candidates large enough to give the Senate ample leeway in its final appointment, and might not name a member of their own body. The Emperor, moreover, was entitled to appoint extra members to the electoral colleges and thus influence, often vitally, the character of the nominations which they made.

Finally, if necessity seemed to demand, the electoral colleges might be entirely passed over in the selection of deputies. Whenever the Emperor urged absolute necessity, the Senate could, upon his nomination, simply appoint deputies to the Legislative body. Thus in 1806, nine deputies were appointed in this manner; in 1808, six; in 1809, twelve; in 1811, no less than thirty-six; and in 1812, twelve.

In 1814, it will be remembered, Napoleon was forced to abdicate the imperial crown. With his army wasted by the disastrous retreat from Moscow in 1812, and driven from Germany by the defeat at Leipsic in 1813, he was unable to make defense against the invasion of France in the following year. Elba, however, was too small for him.

It was inconceivable that Napoleon, still in the prime of life, after dreaming of the empire of the world, should content himself with the empire of a tiny speck of land off the Italian coast. Tempted by the quarrels of the Allies who had overthrown him and by the discontent of France under its new Bourbon ruler, he landed in March of 1815 with a thousand men, to reconquer the leadership of the nation. His progress was unopposed; his old soldiers, sent to capture him, flocked to his standards, and in April he once more reëntered his palace of the Tuileries, from which Louis XVIII had fled the night before.

In his hope of winning the loyalty of the whole nation, so necessary to him in his approaching struggle with the Allies, Napoleon remodeled the constitution, and liberalized the voting system. The primary voters were no longer to be deprived of all part in elections after their first choice, but were to fill up in annual elections all vacancies in the electoral colleges. The colleges, furthermore, were to be allowed to appoint directly the deputies to the Legislative Body, and were permitted wide latitude in their range of choice. Finally, the commercial and manufacturing classes were to have special representatives.

The change in the form of elections, however, did not seem to attract favorable response from the people. More than half of the members chosen to the electoral college failed to put in an appearance at election time. In the department of the Seine, where there were 213 electors, only 113 voted, and in the departments more distant from the capital the number of votes cast was sometimes ludicrously small. In the department of Bouches-du-Rhone, only thirteen electors appeared to choose four deputies; two of the deputies were elected by seven votes.

The fate of Napoleon was being decided, not at the polls, but on the battlefield. On June 18, 1815, he met the army of Wellington at Waterloo; attacked at the same time by Blücher and the Prussians, even his seasoned force crumpled under the strain, and the crushing defeat which followed removed him forever from the political stage.

CHAPTER XVI

THE CONQUEST OF MANHOOD SUFFRAGE IN FRANCE

The final overthrow of the Napoleonic cause upon the field of Waterloo restored the Bourbons for the second time to the throne of France. Once again Louis XVIII was "brought back in the baggage of the Allies." But the restored Bourbon monarchy by no means implied the restoration of the ancient régime of absolutism; whatever the ultra-royalists might think, it was impossible to wipe out the twenty-five years of revolution through which France had passed, and the King recovered the crown only on condition that his rule was to be according to constitution. This condition was demanded by the Allies, who recognized that the Bourbon throne would be stable only so long as it received the popular sanction. Rather than see a constitution forced upon him by the people, Louis XVIII himself granted it—the Constitutional Charter of 1814, which was revived in 1815 and remained the fundamental law of France until 1848.

The form of government under this instrument was in many respects more liberal than that which had been in force during the rule of Napoleon. Executive power was vested in the King, to whom was given the power of issuing ordinances, making appointments, declaring war, concluding treaties, commanding the armies, and initiating legislation. His powers were limited, however, by a legislature consisting of two Houses, which might impeach the

King's ministers, and without the consent of which no law might be enacted and no tax levied. The upper House, the Chamber of Peers, was composed of members appointed by the King, some of them named for life, some of them in heredity. It was to hold secret sessions. The lower House, or Chamber of Deputies, was to be elected for a term of five years, one fifth of the members retiring annually. Either House might petition the King to introduce any legislative measure, but the right of initiation belonged exclusively to the Crown. In order to qualify for election to the Chamber of Deputies, a candidate must, according to the Charter, be at least forty years of age and must pay in direct taxes to the State an annual sum of one thousand francs.

The suffrage conditions, under which the lower House was elected, were carefully restricted by an age and property qualification. In appearance the franchise was infinitely less liberal than under Napoleon, although as we have noted the system of universal suffrage supposed to have been in force under the Consulate and the Empire was illusory. The new franchise law granted the right to vote for deputies, only to those citizens who were thirty years of age and who paid at least three hundred francs annually in direct taxes. It is obvious that the masses were to be excluded from all part in elections, which were placed wholly in the control of the plutocracy. Of the twenty-nine millions in France, only one hundred thousand possessed the right to vote, and only twelve thousand were eligible to become deputies.

The Charter said nothing about the method of election, and until the Chamber of Deputies could decide this matter the King established a tentative system by ordinances in 1815 and 1816. The ordinances followed the Napo-

leonic system, which had provided for two electoral colleges, the one representing the arrondissement and the other the department; the electors of the arrondissement college chose delegates who should act with the departmental college in selecting the deputies to the Chamber. This method had served the imperial despotism of Napoleon and might prove equally useful to the Bourbon monarchy in its efforts to preserve intact the attributes and powers of royalty.

Further to weaken the popular element in the system, the ordinances of Louis XVIII provided for the appointment of adjunct members to the electoral colleges, carefully selected by the Government. The agents of the ministry took the greatest pains in the selection of these extra members, who were often able to dictate the choice of a deputy according to the Government's wishes. The correspondence of these agents with the Minister of the Interior reveals the illusory character of the elective system. One of them writes: "I have just named a commission composed of MM. . . . These men will, I trust, respond to the desires of the Government, that men devoted to the king and country should be elected." Again: "I have the honor to send you the list of electors appointed to serve in conjunction with the electoral college. In the choice I have made, I have adhered to the letter and spirit of the ordinance and believe that I have selected men who have constantly professed sane opinions in both moral and political matters." Clearly the sane opinions referred to, should be interpreted as hatred of liberal doctrines and intense devotion to the principle of all-powerful monarchy.

The importance of these adjunct members of the electoral colleges was enhanced by the fact that many of the

regular electors abstained from voting. Of some seventy-two thousand electors registered in 1815, there were less than fifty thousand who voted. Government influence in the choice of the deputies was also increased by the fact that the presidents of the electoral colleges were ministerial nominees.

It was under this system that was elected the ultra-monarchical Chamber of 1815, composed chiefly of men who, as they contended, were more royalist than the king himself. The "Chambre introuvable," Louis called it, because he had not supposed it possible that such a violent body of reactionaries could be discovered. Everything that smacked of revolution the Chamber was determined to wipe out; finally Louis himself feared that the effects of their anti-liberalism would prove harmful to the stability of his throne: "If these gentlemen had full liberty, they would end by even purging me." Accordingly he dissolved the Chamber and in the elections of 1816 called for a more moderate majority. The appeal, taken in conjunction with Government influence in the election, was successful and the new Chamber was made up chiefly of more liberal royalists.

The character of the majority in the new Chamber of Deputies was shown by the electoral law which it passed in 1817, and which favored the Moderates and the Liberals in elections, although there was no trace of anything that could be called democratic in the principles upon which it was based. The new law did away with the electoral colleges and for the first time established direct elections in France. "This system creates," said the minister in charge, "a direct connection between the voters and the deputies, which gives to the former more confidence in their representatives and to the latter more au-

thority in the exercise of their functions. There results a reciprocal moral responsibility, which we must strengthen and extend so far as possible. It weakens this feeling of responsibility when the voters choose other electors who are to select the deputies."

The method of election was according to the system known as *scrutin de liste*. All the voters in each department were to assemble in the chief town of that department and there choose the full quota of deputies to which the department was entitled. This provision was designed to favor the liberal elements at the expense of the reactionaries; for the former lived chiefly in the towns and found it easy to come to the polls. The latter, or Ultras, however, adherents or members of the old aristocracy, were in general landed country proprietors and found it annoying as well as expensive to make the trip to the chief town of the department when called there by an election.

The franchise could not be called liberal in any case, for complete control was given to the Government of the day. The voters were naturally few in number, because of the age and tax-paying qualifications mentioned above. They were unequally divided among the various departments. In the richest and most populous, that of the Seine, there were 9000 voters. But in that of Corsica there were but 40, and General Sebastiani was elected there by a total of only 28 votes. Naturally the Government could exercise close control over so small a number of electors. Any species of fraud which the Government chose to employ in the balloting or counting of votes, was facilitated by the president of the electoral college, who was selected by the ministry. A bitter travesty on this provision was issued by an opponent of the elec-

toral law who proposed ironically: "That the King should name the president of the election. That the president should name the officials of the election. That the officials should name the deputies. That the electors are the witnesses." A further provision gave to the prefect of the department the function of making up the lists of voters, so that he could include all his political friends, "sure men," and exclude all opponents of the Government.

Elections under this system resembled somewhat the sessions of a party nominating convention in an American presidential campaign. The voters met in regular assembly, the president took the chair, the other officers were elected, and three ballots were taken. After the second ballot a list was drawn up of the candidates securing most votes, twice as many names being listed as there were seats to fill. From this list the electors chose the deputies on the third and final ballot. Secrecy of voting was not enforced by the law of 1817, although it was permitted if the electors preferred.

Under this system the Moderates remained in power for three years. Many complaints were evoked, of which the most insistent was that electors, believing that the whole matter of elections was a puppet-show in which the strings were pulled by the ministers, refused to come to vote. In the populous department of the North only 439 electors out of a total of 2,303 cast their ballots in the election of 1817. In the Lower Pyrenees, where there were 321 voters, only 83 appeared at the election. In all France at least a third of the electors regularly abstained from taking any part in the contests.

The chief complaint, however, emanated from the Ultras, who felt that the system insured the monopoly of

power to the Moderates. Despite the influence wielded by the Government and the number of abstentions, in some districts men of radical tendencies were elected. In 1818, Lafayette, who was hated by the reactionaries for the activities he had displayed during the early days of the Revolution, was chosen deputy; and in the following year a still more startling election transpired. This was the choice of Gregoire, who had belonged to the extreme revolutionary party in 1793 and was noted for his republican principles; no one forgot his remark that kings are in the moral world what monsters are in the physical. He had not voted for the execution of Louis XVI, but he had belonged to the political group which forced the King's death and was regarded generally as a regicide. Even the Moderates were shaken by his election and joined with the Ultras to exclude him from the Chamber of Deputies, a gross violation of the freedom of elections. Following close upon this incident came in 1820 the event which threw power completely back into the hands of the extreme reactionaries. This was the murder of the King's nephew, the Duke of Berry, who would naturally succeed to the throne. The murder was the act of a single man, but it was asserted that the Liberals were responsible, and that the crime resulted from the anarchy into which France was falling under weak government. "It was not a dagger," said one Ultra, "that killed the Duke. It was a liberal idea."

Under the reaction against everything which smacked of liberalism which now spread abroad, the Ultras returned to power. Almost their first act was the revision of the electoral law of 1817 on the ground, certainly surprising from the modern point of view, that it was too liberal.

First of all, it was decided that the electors of a department should no longer choose all the deputies from the department together in the chief town, but should be divided into as many groups as there were arrondissements or districts. There was to be one deputy for each district. It was the principle of *scrutin d'arrondissement*, or single-member district. The assemblies of the voters in each district at each election would naturally be much smaller than had been the case under the system of *scrutin de liste;* a clever intriguer would find it easy to control each handful of electors. This aspect favored the wealthy classes. Furthermore, the Ultras would gain, since they and their supporters, the tenant farmers, would no longer have to make the journey to the chief town of the department, but could vote nearer home and thus would come to the elections in greater numbers.

The reactionaries felt, however, that they must make assurance doubly sure and give still more electoral power to their adherents. This they did by enacting that there should be 172 new deputies added to the Chamber, and that these extra deputies should be chosen by the fourth of the voters who paid the heaviest taxes. Plutocracy was thus made supreme. There were some twenty thousand of the richest voters who participated in the elections of the arrondissements, and who had a second vote for the new deputies. In some departments the number of men eligible to exercise this double vote were less numerous than those eligible for election to the Chamber of Deputies.

The Ultras were unable to alter the tax-paying qualification of 300 francs, which entitled a man to vote, for that was enunciated in the Charter. They were able to restrict the franchise indirectly, however, by enacting that

the taxes which qualified the voter must be upon real property held for at least a year before the election. Numerous disfranchisements resulted, so that in the decade which followed 1820 the number of voters was reduced by twenty per cent.

The ministers did not scorn to employ various tricks still further to lessen the number of electors, by refusing to have the names of their opponents placed upon the voting lists. In 1824 many Liberals were relieved from taxes so that they could not meet the qualification for voting rights or for membership in the Chamber. At times, the prefects would not publish the lists until four o'clock of the morning of the day upon which the election would be held. Thus it would be materially impossible for those who found themselves excluded to appeal and claim insertion. At Nancy, the prefect refused to have the names listed in alphabetical order, and placed them on placards seven or eight feet in length in five or six columns. It would take a day to discover whether one's name were omitted and a ladder would be necessary to read the names on the tops of the columns. Many voters, taking for granted that their names had been listed, would come to the election only to discover that they were disfranchised, and were refused their voting rights.

In the elections themselves, the Government constantly interfered. Both Louis XVIII and his brother Charles X, who succeeded him in 1824, issued appeals to the people, demanding that they cast their ballots for friends of the crown and its adherents. In 1817, when the ministers feared that the election at Paris was going against them, they interrupted it for two days, under pretext that there was confusion in the balloting, in reality in order to give

The Triumph of Universal Suffrage
Bibliothèque Nationale

their supporters time to gather at the polls. In June of 1830, the minister went still further and stopped the elections in the vicinity of Paris for two weeks, in order that the example of the liberal capital might not affect the rest of the nation.

All officials of the government or the army were naturally expected to vote loyally for the ministry, and were warned at each election that if they refused their support to the ministerial candidate they could not hope to maintain their post. "The Government owes nothing to the man who does not perform his duty in this respect." The Minister of War also sent out to the officers a statement to the effect that "one cannot serve at the same time the King and the opposition," and emphasizing the fact that a vote against the ministerial candidate, no matter how good a royalist his opponent might be, was a disloyal act. In theory, the voting was in secret, according to the law of 1820, but each elector put his ballot unfolded in the hands of the presiding officer, and government officials had to show their ballot if they hoped to hold their position. They faced Hobson's choice: "Vote against your conscience or you will die of hunger."

A relic of earlier legislation, of no political importance, was the stipulation that before voting each elector must take a formal oath of fidelity to the King and the Charter. Another survival was the rule that citizens should not be allowed to vote in uniform, either of the army or the national guard. This provision had originated in 1790, when the polling halls had often presented scenes of violence and force. It was puerile to revive it under the Restoration, but was nevertheless maintained. The old Marshal Lefebre, Duke of Danzig, known for his military qualities as well as for being the husband of Napoleon's

washerwoman, who later became a duchess, was caught at the polls in uniform and forced to go home and change his clothes before he was allowed to vote. At a later election General Caffarelli also offended the other electors so keenly by appearing in uniform that a riot nearly resulted.

The polling might last for as long as ten days. At the present time it would unquestionably be inconvenient if not dangerous thus to prolong the suspense. But we must remember that the mass of the people were not interested and that the number taking part in the election was small. The effervescence characteristic of contemporary elections was largely lacking. The length of the election, however, gave the governmental agents full opportunity for the exercise of their influence, especially if the polling was going against them. In 1818, in the department of the Seine, Benjamin Constant, an opposition candidate, had received 2,900 votes to the ministerial candidate's 1,950. The prefect immediately marshalled his forces and addressed to the mayors of the department the following circular: "You know the result of the voting yesterday; it is vital that all good citizens show themselves. I urge you to see that all the voters in your commune appear at once at the polls, and to point out to them that M. Ternaux is the candidate *who is receiving general approval.*"

For the decade which followed 1820, elections were so completely controlled by the ministers that the Ultras remained in power. In the election of 1824 the Liberals were able to carry only fifteen seats out of 430. The Ultras used their power without restraint. They first passed a law lengthening the life of the Chamber from five to seven years and suppressing the annual partial

renewal. Assisted by the death of Louis XVIII and the accession of his medievally-minded brother, Charles X, they proceeded to inaugurate a policy of such blind reaction that it needed only six years thoroughly to discredit the Bourbon dynasty and ensure its expulsion from France. The nobles who had left France during the Revolution, were indemnified for property which had then been confiscated by the nation. The illegal activities of the Jesuits were encouraged. Attempts were made to crush the freedom of the press; the attempt did not entirely succeed, but the remark later made in Germany would have described the situation: "The press is free, but the newspaper men are all in prison."

Such a reactionary policy, however, was bound to result in the failure of the Government, no matter how strong its apparent majority in the Chamber of Deputies. Unexpectedly the Chamber of Peers came to the support of semi-liberal principles, and even in the lower Chamber the deputies showed signs of revolt. Although the Chamber had still four years to run in 1827, the ministry decided to dissolve it, trusting that by manipulating the elections for a new Chamber a more docile majority yet might be secured. "Thus with the press shackled, and the Chamber of Peers and Chamber of Deputies controlled, the ministry could . . . carry out its policy in all its vigor."

Ministerial hopes were destined to disappointment. Hitherto there had been little of organization in electoral contests. Possible candidacies were discussed in the salons and the government offices, and candidates of the opposition presented themselves to the electors upon their own responsibility. There was nothing which resembled in any way an electoral campaign. Gradually the Lib-

erals perceived that they could hope to win seats only by organization and by advertising their candidates in pamphlets and in the press. They began to scatter campaign literature among the electors; established committee rooms for the furtherance of their candidates' interests; issued circulars to the electors calling upon them to attend the polling. Thus a circular was sent by the voters of Provins to the electors of the neighboring arrondissement of Coulommiers: "Your duty calls you to Provins, and we are counting upon you. Each of you will find upon arrival lodging ready for him, where he will be received as a friend, as a brother. If you respond to our appeal we shall see elected a worthy candidate who will defend our constitutional rights. If you abandon us we shall see the field left free to the friends of privilege and of absolute power."

These proceedings were extended in 1828 and had their effect upon the election. All the Liberal ex-deputies met with notable Liberals at Paris to draw up a list of available candidates and the famous Liberal society, "*Aide-toi, le ciel t'aidera*" ("God helps those who help themselves"), organized electoral committees all through France. A few months later the opposition offered to the indignant and surprised Ultras the sight of a meeting of some eight hundred electors, meeting in a café on the Champs Elysées, to hear the profession of political faith given by the liberal candidates. Organization was pushed so far that prospective candidates promised to abide by the decision of the electoral committees and agreed not to stand if some other candidates were preferred; electors gave their promise to vote as they were told. It resulted that in the election the ministry were overwhelmingly

defeated; they carried only 170 seats, while the opposing elements counted 250.

A new and more moderate government was at once organized under Martignac. It contented neither the one side nor the other. The Liberals were determined to carry their success still further and ensure the complete establishment of a constitutional régime. Charles X and his supporters were offended by Martignac's moderation. "I should rather saw wood," said the King, "than be a monarch of the English type." In 1829, Martignac, to the joy of Charles, was compelled to resign, and the King at once determined to establish firmly his absolute control, even if it meant violation of the Charter and counter-revolution. He at once chose as ministers a group of the most hard-shell Ultras, at its head Polignac, an emigré brought up in the most extreme reactionary principles; at the Ministry of War, General Bourmont, who had proved himself a traitor by deserting to the Prussians on the eve of Waterloo. The appointment of a ministry of this color was virtually a declaration of war against every principle of liberalism enunciated since 1789.

Indignation in the country and in the Chamber was not slow to express itself. The Deputies voted an address to the King by 221 to 181, virtually demanding the dismissal of the hated ministers. The King replied by dissolving the Chamber, hoping to secure a new and more docile one by manipulating the election. He and his ministers experienced a crushing defeat; of his friends among the deputies, only 99 were reëlected and the Opposition was increased from 221 to 270. Even the reactionary Metternich, in Austria, and the Tsar Nicholas of Russia urged Charles to make concessions.

But the King was obdurate. There is no clearer instance in modern history of the ancient saw, that whom the gods would destroy they first make mad. Blind to the temper of the people and careless of consequences, he proceeded to violate openly the Charter. He first suspended the liberty of the press. A second ordinance dissolved the newly elected Chamber before it had met, thus making a mockery of the electoral system. A third ordinance altered the whole electoral system, reducing the number of deputies and so altering the franchise qualification that all but the landed proprietors would be excluded from election. The number of voters would have been reduced from 90,000 to less than 25,000.

Paris was not slow to answer. The editors of the metropolitan journals, under the leadership of Thiers, immediately issued a protest calling for resistance: "The Government has violated the law; henceforth we are absolved from obedience." The workingmen printers, threatened with losing their jobs, began to agitate; popular fury was enhanced by the appointment of Marmont, who had betrayed Napoleon, to the command of the royal troops; and on July 28 civil war in the capital broke out. The contest was brief. Too late Charles X perceived his mistake and withdrew the ordinances. But the people, victorious over his troops in the narrow city streets, would have no more of him. On July 31 Louis Philippe, Duke of Orleans, accepted by the moderate Republicans under Lafayette as the safest compromise, was hailed as King of the French. Charles, abdicating the throne, left for England. His attempt at counter-revolution and especially his attack upon the electoral system had ended in the definite loss of the French crown for his family.

The new régime, which from the date of its inaugura-

tion is known generally as the July Monarchy, was a continuation in form of the restored Bourbon Monarchy of 1815. What had happened was that an attempted alteration of the Charter on the part of Charles X had been frustrated, and the principles of constitutional monarchy vindicated. Unquestionably there had been a victory of liberalism. The new King owed his crown not to divine right, or because of descent from a long line of monarchs, but to the choice of the Chamber of Deputies. The character of Louis Philippe seemed to assure the hopes of the middle-class Liberals. The pomp and mysterious ceremony so dear to the medieval soul of Charles X now disappeared from court life. The King appeared in the streets on foot, carrying a bulging green umbrella; his sons had been educated in the public schools; his Queen, at the royal receptions, was accustomed to relieve the tension of monarchical etiquette by applying herself to the family mending.

The democratic tone assumed by the King and his family was, however, largely a pose. Louis Philippe's ostentatious liberalism concealed a love of power and a determination to rule. Furthermore, the most influential statesmen and the majority of the deputies were by no means enamored of the idea of democratic reforms. They had been willing that the people should rise on their street barricades to prevent Charles X from reëstablishing the régime of absolutism; but after the fighting, they were by no means inclined to reward the men who had done the work, by granting them political power.

Hence the constitution drawn up in 1830, to which the new King took oath, was in reality nothing but a slight revision of the Charter of 1814. The doctrine of divine right was expunged, although the sovereignty of the peo-

ple was not explicitly expressed. Louis Philippe was "King by the grace of God *and* the will of the nation." The power of the King to issue ordinances was restricted so as to deprive him definitely of the right to suspend laws or prevent their execution. Furthermore, the right of initiating legislation was granted to both Chambers, and the sessions of the House of Peers were to be held in public.

The alterations in the electoral system were correspondingly slight. The only provision of the new constitution that touched upon the franchise question, was that which reduced the necessary age for voters from 30 to 25 years. It provided, furthermore, that the system should be revised by the legislature. This revision was embodied in the electoral law passed in 1831. From the beginning, it was clear that the deputies were not likely to introduce a democratic system; there was no desire to alter the character of the electoral body by the admission of men possessed of little property, and the question of granting the suffrage to the mass of the nation was hardly mentioned. In the Chamber of Deputies, the famous orator Berryer, although a friend of the fallen Bourbons, proposed that any taxpayer should have the right to vote; perhaps he believed that the peasants were more loyal to the legitimate monarchy than were the middle classes. His suggestion and a similar one of Dreux-Brezé in the Peers were hastily eliminated from discussion. Instead, the Deputies, intent upon securing electoral power for the bourgeois, determined that the franchise should be granted only to males, 25 years of age, who paid 200 francs in annual direct taxes. For certain classes of citizens, known as the "capacities," including lawyers, pro-

Louis Napoléon Bonaparte About to Murder the Republic
Musée Carnavalet

fessors, physicians, the qualification was further reduced to 100 francs.

The development from the franchise under the earlier régime, which provided for a qualification of 300 francs, was thus not striking. It is obvious that the lawmakers were preoccupied, not with the desire to find a qualification which should ensure the most intelligent and capable electoral body, but rather one which would exclude as many voters as possible from participation in elections. The discussion shows that the deputies considered that the electors of 1830 had merited well of their country, for having chosen such excellent representatives; newcomers were not wanted. Their arguments adduced the dangers of democratic elections and the material difficulty of polling, if the number of voters were increased. "How would it be possible," they said, "to hold an election at Paris without extreme confusion, if there were thirty-six or forty thousand voters taking part?" The law of the double vote, however, which had created the electoral aristocracy who chose the extra deputies to the Chamber, was abolished. There was naturally no question of permitting voting-rights to be exercised by women. But the law permitted the taxes paid by a widow or by a divorcee to be counted to the credit of her son, grandson, or son-in-law, as she preferred. It was even proposed that the father of a family, if he paid taxes exceeding the amount required for the franchise, might be allowed to add the surplus to his son's credit and that the latter might thus acquire a vote. This project, however, was rejected by the Chamber.

As a result of the reduction of the qualification from three to two hundred francs and the addition of the so-called "capacities," the electorate of France was approxi-

mately doubled. In 1831 there were 166,583 voters, who had increased in number by 1847 to 241,000. The number of electors in each arrondissement, or electoral district, varied greatly. At the end of the July Monarchy there were sixty-one districts in which the number of voters exceeded 800 and no less than 172 in each of which there were less than 150 voters.

These small districts were nothing else than "pocket boroughs," in which the influence of an individual or a family was supreme at election time. Provided the candidate made his relations with the local "patrons" friendly, his selection was assured. Most of the wealthy families were in connection with the Government, which by obtaining licenses or franchises, promising to build railways in the district, or by other well-understood methods, known in the United States of to-day as "pork," could easily control the knot of subservient electors. Many of the latter were office-holders, and, as had been the case under the Bourbon Monarchy, they held their posts only so long as they continued to support the ministerial nominees.

It is true that the ministers were not guilty of such cynical intimidation as had been the rule previous to 1830. Guizot, who was the all-powerful Premier for most of the reign, even issued a circular in which he forbade his agents to influence the political opinions or judgments of the population. But another Prime Minister, Casimir-Perier, shortly afterwards, made it plain to the prefects that they were by no means expected to remain neutral in the elections: "There is a great difference," he said, "between administrative impartiality and indifference of political feeling." And he went on to explain that it was the duty of the prefects to give what moral support they

could to those candidates who were inclined to approve of the Government in power. Such advice was interpreted liberally by the prefects, who were not overscrupulous in their methods, which varied from political intimidation to bribery.

Electoral corruption was freely exercised by the candidates themselves and in a multitude of ways. We read of one landed proprietor who sought to win the suffrages of the electoral college by freely offering his stallions to the farmers of the neighborhood for breeding purposes. Wholesale treating was not rare. In some districts the candidates or their friends would install the voters in the best hotel and furnish lavish supplies of food and drink during the period of election. Groups of half-intoxicated voters were carefully collected and guarded until they had cast their ballots. Doubtful electors were sometimes locked up and transported to the scene of the balloting in the candidate's carriage.

The direct purchase of votes with money bribes was by no means infrequent, although less open and blatant than in the days of Charles X. The public conscience was not quite so tough as it had been and direct bribery of this kind was often covered up by a variety of subterfuges. Candidates and their friends were wont to institute banks, for example, the financial operations of which permitted the passing of money from candidate to voter without the appearance of bribery. One of the most flagrant instances of the corruption of an entire electoral college took place in 1844, when Charles Laffitte was elected at Louviers. He was a railroad magnate of enormous influence, but only slightly known in the district where he was appearing for election. Shortly before the balloting, he caused to be issued in the local newspaper the following open

letter: "You have a lively desire for a railroad, as I understand. My position with the Rouen Railway as well as my status as banker and railroad promoter will enable me to get this railroad for you. On my side I wish to be deputy. You can make me deputy. Now you understand. If you want your railroad elect me; if not, then don't." M. Laffitte was accordingly chosen deputy in the district on the distinct understanding that he would have built a branch railway to Louviers from Rouen.

Such corruption of voters was paralleled by the purchase of the deputies themselves after election. Nearly half of the members of the Assembly were government office-holders and dependent upon the ministers for all increases of salary or promotions. They were thus easily controlled and the Government in power found it simple enough to bribe sufficient of the other deputies to preserve an absolute majority, either by the promise of office or by the awarding of contracts and franchises. In the *Presse* there is described an imaginary scene between Thiers and his agents, in which the Prime Minister goes over his lists and checks up the members of the Assembly before an important vote: "Shall we have so-and-so?" "I answer for him if you will give his son-in-law a post in the revenue office." "We might have M—— for an appointment in the tax-commission." "It is not worth while, we can have him for nothing. I've seen his mother-in-law." "Ah! if we could only get M. X." "It's not so difficult as you think; his affairs are much embarrassed, he has just lost 50,000 francs." "But our best conquest was the excellent ————." "What did you do to secure him?" "I caught him by his better feelings." "I don't understand." "Ah! you have no children. He has two marriageable daughters whom I have fixed up. I am

pretty well up in Parliamentary statistics. I know those who have daughters to establish, those who have sons to place, those who have incapable brothers on their hands, those who have affairs of the heart in the royal theaters, those who have secrets to hide, those who have manufactures to support, those who have ironworks, those who have sugar, those who have money in the funds, and lastly those who have debts."

The above-described scene is apocryphal but doubtless indicates truly the spirit in which both elections and Parliamentary politics were carried on. The matter was openly discussed. "Where is the deputy," said Lamennais in 1841, "who thinks of anything but repairing his fortune and selling the electors who in turn have sold the country to him? What is the Chamber? A great bazaar where every one barters his conscience, or what passes for his conscience, in exchange for a place or an office."

Widespread political corruption, finding its roots in the electoral system and extending through all branches of the government was thus characteristic of France under the July Monarchy. The outward respect paid to constitutional forms by the King and his ministers, while it contrasted with the arrogance of the ministers of the Restoration, could not conceal the fact that France was in reality ruled by a narrow clique. This was in itself one of the chief elements of weakness in the régime of Louis Philippe and was destined to lead to its overthrow. Constant demands for reform were brought forward, but invariably smothered by Guizot's complaisant majority in the Chamber. It was this refusal to tolerate any reform which finally brought about revolution.

From the very beginning of the reign of Louis Philippe the working classes had been discontented, feeling that

the new Government represented only the wealthier bourgeois. The narrow suffrage excluded them from all interest or influence in political affairs and they found themselves to be no better off than under Charles X. Their dissatisfaction was enhanced by the economic misery which accompanied the transformation of industrial conditions and which in France, as in England, was prevalent during the first half of the nineteenth century. Labor movements designed to secure better wages were ruthlessly suppressed by the Government and labor leaders put out of the way. But keen observers perceived the strength and the justice of the demand for recognition of the political and economic rights of the laborers, and as early as 1842 Stein wrote that, "the next revolution must inevitably be a social revolution."

The discontent of the poorer classes, who began to demand such a revolution under the inspiration of such writers and agitators as Louis Blanc, was paralleled by the demand for change that was expressed by the wealthier middle classes themselves. "If the monarchy," said Lamartine, who was poet rather than socialist, "is unfaithful to the hopes the wisdom of the country reposed in its name, if it surrounds itself with an electoral aristocracy rather than uniting the whole nation, if it allows us to descend into the abyss of corruption, rest assured that the monarchy will fall . . . in the trap it has itself set."

Had the King and the minister of his later years, Guizot, heeded the general demand for electoral and Parliamentary reform in the autumn of 1847, it is possible that the life of the monarchy might have been prolonged. But both Louis Philippe and his chief adviser refused to countenance any change. The result was that where reform

was denied, revolution was imposed. On February 22, 1848, public excitement in Paris led to conflicts with the police; almost accidentally the riotous mob was transformed into a rebellious citizen-folk; the National Guards refused to support the dynasty, and on February 24, Louis Philippe abdicated. In place of the fallen monarchy was set up a Provisional Government, which immediately proclaimed the Republic. With unprecedented swiftness the march of events, beginning simply with the demand for an enlarged electorate, had carried France forward to a position of advanced democracy.

It is true that the Socialists, who at first hoped to secure a fair opportunity for the trial of their theories, were soon disappointed, and in the street-fighting which developed in June, 1848, were defeated and exiled. But the new government of France was republican and was based upon the principle of universal suffrage. The constitution, drafted in the autumn of 1848 and definitely adopted by a National Assembly on November 4, provided that all male citizens who were twenty-one years of age and in possession of civil rights should be voters. These electors were to choose a president for a term of four years, and a single-chamber legislative assembly for a term of three years. Furthermore the democratic character of the franchise was guarded by the institution of the direct instead of the indirect vote and by the guarantee of secrecy of elections. For the first time in the history of France universal manhood suffrage without the restrictions of the Napoleonic system, which had made it so illusory, became a part of French law and was immediately put into operation. Democracy, at least for the moment, had come into its own.

CHAPTER XVII

NAPOLEON III AND UNIVERSAL SUFFRAGE

Universal suffrage was an experiment, a venture into unknown waters, and the world, or so much of it as was not engaged in revolutions of its own, watched the outcome with interest. Cassandras prophesied that the application of the system would lead not merely to confusion but to disaster: there would be the material difficulty or impossibility of polling and counting the votes; the great mass of electors congregating at the voting stations could not be prevented from rioting; finally, the exercise of the suffrage by the mob would result in the choice of a legislature of anarchists. On all three counts the prophecies proved to be bad. The polling was almost invariably quiet and often impressive. Only in two departments were the elections to the Constituent Assembly, in April, 1848, characterized by any disorder. Many writers speak of the conscious dignity and even grandeur of manner assumed by the new electors. In various communes they marched to the polls in a body, with the utmost solemnity, flags flying, mayor and curé at their head. The votes were counted easily and quickly. And, surprising fact, the deputies chosen were for the most part men of moderate or even reactionary political views.

Unquestionably the new electorate appreciated the value of the privilege or right which they now received. In the elections of April more than eighty-four per cent of

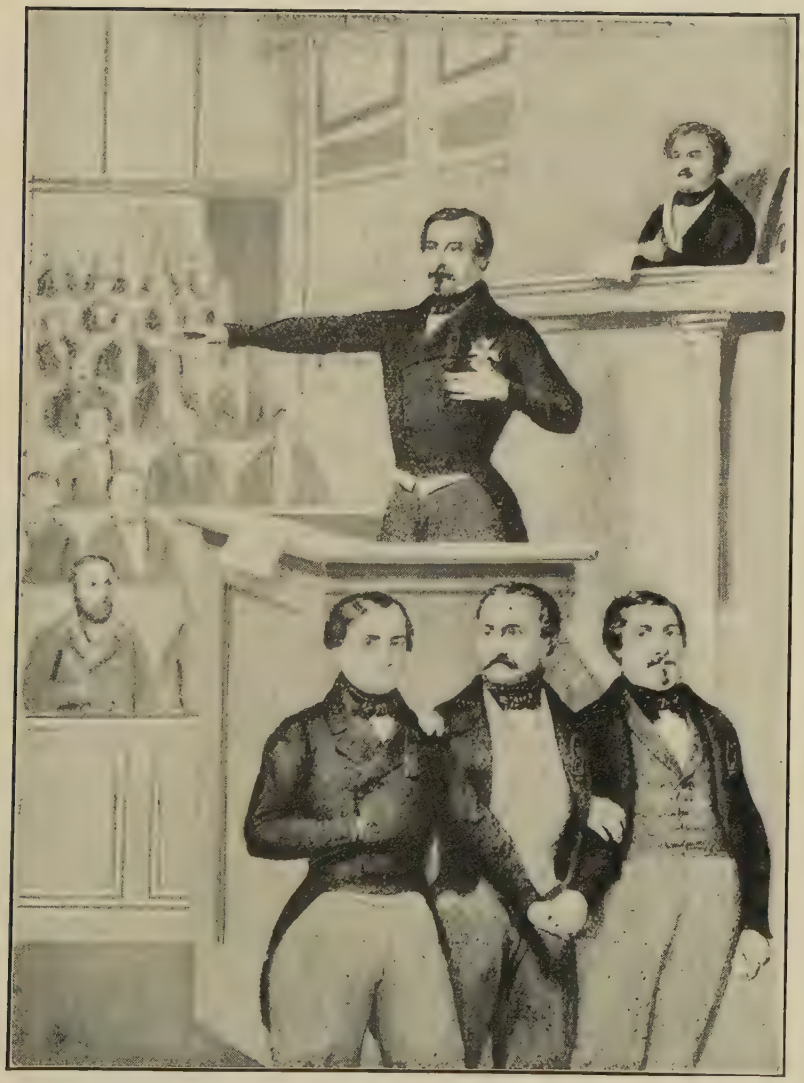
the electors appeared at the polls, and in those to the Legislative Assembly, held later, about sixty-four per cent voted. On the other hand, and to the disappointment of true liberals, the new voters showed little intelligence. So many candidates appeared that the electors were confused; at Paris, where thirty-four deputies were to be chosen, about two thousand candidates presented themselves. What more natural than that the voters should practically abdicate their power of choice and leave to committees the dictation of the names of men for whom they should vote? These electoral committees exercised despotic powers over the electors, especially in the case of workingmen, who were dominated by labor leaders. Louis Blanc did not hesitate to insist that the laborer who failed to vote as he was told, that is for a socialist, was a traitor to his class.

It is also interesting to note that the new government officials, offspring of the February Revolution, were not slow to utilize exactly the electoral methods against which they, as liberals, had protested under the monarchical régime. Ledru-Rollin, Minister of the Interior in the Provisional Government at the time of the elections to the Constituent Assembly, and a man of advanced democratic ideas and policies, frankly declared that all officials must interfere in the elections in order to prevent the choice of deputies hostile to the Republic: "Unless the Government wishes to abdicate or betray the country, it cannot content itself with registering votes. It must work openly to frustrate the intrigues of counter-revolutionaries." A week before the election he attempted to intimidate the voters by threatening to destroy the Assembly by force, if the polling did not suit his desires, that is, if a majority of social democrats were not returned. And

he considered it perfectly legitimate to expend government funds and utilize government agents in his efforts to influence the elections.

Despite such efforts and notwithstanding the democratic character of the franchise, both the Constituent Assembly and the first Legislative Assembly were composed of moderates. The latter, in fact, had an enormous monarchical majority: of its 750 members only 180 were Socialists, and but 70 moderate Republicans. In the presidential election, the voters showed themselves to be equally opposed to new and strange gods of democracy. For President was chosen a prince, Louis Napoleon Bonaparte, nephew of the great Napoleon, who, with five million votes, easily out-distanced all competitors; Ledru-Rollin received less than half a million. Thus, as Hazen says, "both the President and the majority of the Assembly were, by reason of their very being, enemies of the Constitution under which they were elected."

The character of the two chief factors in government, the President and the Assembly, rendered almost certain a change in the democratic Constitution of 1848. The anti-republican Assembly was the first to make the move in the direction of reaction, taking advantage of insurrectionary riots on June 13, 1849, to expel from its midst thirty-three representatives of the republican minority. Emboldened by the success of this step, the royalist majority then proceeded to an alteration of the franchise law, purposely designed to have the effect of doing away with universal suffrage, which had so recently been established. By the law of May 31, 1850, the Assembly enacted that in order to be a voter a man must have had a fixed residence during a period of three years, (instead of six months, as formerly), and that the fact of residence must



President Louis Napoléon Bonaparte Taking the Oath to the Constitution

be established by the presence of the claimant's name upon the tax list. In other words, a camouflaged property qualification was dexterously reëstablished. About one-third of the electorate, some three million voters, were thereby disfranchised, either because they belonged to the migratory working-class, which is compelled frequently to change abode in the search for work, or because they paid no taxes. Universal suffrage thus was kept in actual operation for a period of only two years.

But as it happened, the abolition of this principle of democracy proved to be merely temporary, and it was destined to be fatal to the legislative body which had shown its reactionary spirit. For a time the President and the Assembly had co-operated against the Republicans; but after their success in restricting the franchise, the victors quarreled. Louis Napoleon, who was anxious for reëlection to a second term, (which would have necessitated a revision of the Constitution), sought to ingratiate himself with the masses in every way possible. He was not slow to perceive that by demanding the reëstablishment of universal suffrage, he could put the Assembly in an awkward position. If the legislators refused to reconsider, the President could appeal for popular support and overthrow the Assembly. If they accepted his proposal, it would obviously be merely by capitulation, and the President, posing as the advocate of democracy, could safely trust to the votes of the people to give him the power to revise the Constitution, which would be the first step towards his reëlection.

Louis Napoleon's calculations were justified by events. To his demand for the reëstablishment of universal suffrage, the Assembly replied with a determined negative. Thus discredited in the eyes of the people, it laid itself

open to the attack which the President was not slow to deliver. On December 2, 1851, anniversary of the coronation of Napoleon I and of the Battle of Austerlitz, the administration carried through a coup d'état which resulted in the arrest of the President's opponents. Three weeks later, in a plebiscite, the people entrusted him with full powers to remodel the Constitution in a Bonapartist sense. It meant the end of the Republic, which lasted in name only for another year. For on December 2, 1852, by another plebiscite, in which nearly eight million ayes swamped less than three hundred thousand noes, France approved the proclamation of Louis Napoleon as Emperor, under the name of Napoleon III. But for the popular support thus vouchsafed him, the new Emperor paid the price,—namely, the continuance of universal suffrage. At the moment when the nation again passed under the imperial control of a Bonaparte, this principle of democracy in elections was reaffirmed, at least in theory, and has never since been abolished.

The Constitution of 1852 was determined in advance; its preparation is said to have consumed only twenty-four hours. It embodied the proposals of the coup d'état, and among them universal suffrage for all men over twenty-one, domiciled in a commune for six months, who had not been deprived of their civil rights for resistance to government. Population, not wealth, became the basis of representation, and one deputy was allotted to 35,000 electors. The members of the Corps Législatif were to be elected by single-name tickets in each commune, and the Government had the right to district France according to its own pleasure every five years.

To outward appearance, universal suffrage had been saved by its champion from the reactionary designs of

the monarchists in the Assembly; and Napoleon lost no opportunity for posing as the defender of democratic government, as the incarnation of democracy. Few even of the supporters of the new régime, however, were deceived by this farrago of revolutionary doctrine, Bonapartism, and flattery of the bourgeoisie. In cold fact political life was as completely paralyzed during the first eight years of the Empire, as it had ever been in the years, when the great Napoleon bribed French vanity with most glorious military successes. Our only reason for inspecting the electoral system of the Second Empire is to understand the manner in which universal suffrage can be turned from a liability into an asset to absolutism.

The Corps Législatif was deprived of most of the powers which would give a legislature self-respect. It was summoned for three months of each year, but it could neither elect its own president, nor make a reply to the address to the throne. The Senate was the goal of "all the illustrious persons," the Council of State absorbed the hardest workers, so that there was little to attract talent to the Corps Législatif. It could neither present bills nor amend those offered to it by the Government. The appeal to the people was denied by the rule that its debates could be published only as an official, analytical review. Though the sessions were ordinarily public, the galleries might be closed on request of five members. The budget was presented *en bloc,* instead of in separate items for each ministry, and was voted as a whole; and when the first Chamber undertook some slight amendments to the budget, it drew down upon itself a sharp rebuke, which taught it its proper bounds. The proceedings of this debating assembly were regarded with amused con-

tempt by politicians of the old school, and with indifference by the country.

Restraints upon the elections to such an impotent body would seem the superfluity of caution. Nevertheless so much did the Emperor desire that his rule should seem to found itself upon the eager desires of all Frenchmen, that he developed one of the most elaborate and most successful systems of official pressure on elections which a government has ever devised as a cloak for absolutism. Universal suffrage was made a gigantic hoax the excesses of which were so extreme, that sober recital of facts was all the argument which the Opposition needed.

The central pillar in the imperial structure was the official candidature. From the beginning of 1852 the Minister of the Interior, Morny, was planning to control the first elections to the Corps Législatif. The Constitution afforded a well-organized and widely ramifying instrument for him to play upon. Radiating from the capital was a hierarchy of prefects, sub-prefects, mayors, and delegates, or political heelers. The early Empire witnessed the palmy day of the French prefects. The dispensers of an infinite number of favors, their power and their credit with the central government were apparently limitless. It was an era of economic renovation. Every village wanted its road, every city was seeking a spur of railway or a canal. Well aware of the persuasive force of their office, the prefects ruled, some with geniality and the air of hail-fellow-well-met, some with the studied crispness and aloofness of the potentate. Their superb aplomb hardly seemed to recognize that there was an Opposition or a possibility of defeat.

Morny wrote to these magnates requesting the names of citizens who had "made their fortune by industry . . .

improved the lot of their employees, or made good use of their wealth," to be proposed as the favorites of the Administration. His reason for interfering was said to be the fear that among 8,000,000 electors the people could not choose two hundred and sixty-one deputies who could carry out the work begun by the coup d'état of December 2. It was necessary to "enlighten" the nation. In 1857 the Minister of the Interior wrote to the prefects: "The Government will say clearly what names have its confidence and seem to it to merit that of the voters. As it proposes laws to the deputies, it will propose candidates to the electors." So zealous were the notables of each department in the Emperor's service, that in many cases the prefects were embarrassed in choosing the fortunate recipient of a seat in the Chamber. But once the choice had been made, the necessity of supporting the Government's candidate was iron-clad. One prefect wrote: "The Government wishes the triumph of its candidates, as God wishes the triumph of good, while leaving to every man the choice of evil." The analogy was only a half-truth, for Napoleon was hardly willing to allow the election of some few independent aspirants. The prefects were accordingly instructed to place behind the favored of the Emperor all the mighty influence of a trained, keenly responsive bureaucracy.

The press was a powerful agent in the Government's hands. Napoleon had lightened the censorship of the Orleanist régime, but like other reforms, this also was illusory. A journal could be founded only by the consent of the Government, and by the deposit of a large bond. Changes in its editorship were controlled by the Government. If the paper printed articles which were

displeasing, the Ministry out of its good graces consented to give two warnings before striking. But it might withdraw this concession, and visit the penalty of immediate suppression on the unlucky sheet. How burdensome was this control may be seen from a single incident. The *Phare de Loire* received a warning for printing the following: "The Emperor made a speech which, according to the Havas agency, provoked several cries of *Vive l'Empereur,*" because this description was lukewarm compared to the "outburst of enthusiasm which the words of the Emperor aroused." From the encomiums of the governmental press one would have deemed official candidature a great blessing to France. The journals of the Opposition were obliged to confine themselves merely to printing the names of the independent candidates. The printers of books and electoral pamphlets were also restrained by the fact that their business depended upon a revocable permit.

Even after an independent candidate succeeded in getting a printer for his ballots and his campaign posters, he met with further difficulty in their distribution. The courts decided that an electoral pamphlet was like a book and was therefore subject to the law of colportage, by which a permit for distribution was required. If friends of the candidate volunteered to distribute literature in his favor, they laid themselves open to prosecution. In the country districts some zealous mayors forbade its circulation in any manner whatsoever.

The latitude allowed the Government in the marking out of districts contributed powerfully to its control of the elections. These were deliberately arranged to falsify the wishes of the electorate by wholesale adulteration. Many districts were geographical monstrosities,

resembling a crooked stream, or the scattered sections of a puzzle. The purpose behind such electoral geometry was always the submerging of an opposition district in sections loyal to the Empire. A canton was detached from one district and replaced by another, thirty miles further away from the voting place. Cities were broken up like vases, and the fragments were distributed among the outlying *circonscriptions:* so Nîmes was divided and forced to vote with Aigues-Mortes which was 12 leagues distant, and Pont-Saint-Esprit which was 18 leagues away. This ruse annulled the urban vote by that of the countryside, which was favorable to Napoleon. In campaigning for reëlection, deputies sometimes felt lost, because they did not know what territory belonged to them; they were literally strangers in the district which they were supposed to represent.

The official candidate was recommended to the voters by official posters printed at state expense. The private candidate advertised under difficulties and at his own expense. All campaign meetings and organizations were forbidden by the Penal Code, which prohibited all committees of more than twenty men. Each deputy-elect was required to take an oath of loyalty to the Emperor and to the Constitution of 1852, an oath which stifled honest Republican opposition in the Corps Législatif. Embarrassed by the election of men who refused to take the oath, Napoleon later decreed that it must be taken at the beginning of the campaign, instead of at the end. The Government made the elections a personal affair. It regarded them as a supplementary plebiscite, and declared that a vote for the Emperor's candidate was another vote for Louis Napoleon himself.

In its zeal to win the imperial favor, the whole army

of officials—prefects, sub-prefects, mayors, justices of the peace, school inspectors, cantonal commissioners, and gendarmes—was mobilized for the elections. The prefect's day of splendor was on the occasion of the semi-annual tour of inspection, when he held full court. Quite accidentally he met at successive points on the tour the official candidate, who was welcomed to a seat in the prefectoral carriage. Together they dismounted and discussed improvements, or with flourishes marked out the course of new roads and drove stakes before the eyes of the wondering peasants, whose gratitude the prefect benignly turned toward the candidate. The means of persuasion were sometimes more crude. When the *Independants* seemed to be regaining ground in 1863, many rural mayors arrested agents of the Opposition on slight charges of electioneering or distributing pamphlets, and held them in custody until the campaign was over. Breaches of the game laws in Indre et Loire and of the forest laws in Pas de Calais were pardoned wholesale, as foretastes of the benefits to be expected from a well-pleased administration. One mayor wrote to his citizens: "The member whom we have lost obtained for our locality . . . (then follows a list of the favors obtained). Can we be ungrateful to the State and the department for all these generosities? The candidate of the Government alone can obtain the election, in order to second me in gaining the further assistance which we need."

The elections themselves were conducted by the mayors. Napoleon in 1852 declared against the *scrutin de liste,* and in favor of voting by small districts, where the vote could be thoroughly controlled. The summons to the polls which the mayor sent out had often the

Louis Napoléon Bonaparte

sound of a specific command. "The mayor of the commune of Soulaines has the honor to invite the electors of the commune generally to come to the town-hall on Sunday the thirty-first, or Monday the first, provided with their elector's card and their ballot to reëlect M. Segris, the deputy justly deserving the election." It was necessary for each voter to hold a card proving that he was on the electoral register and entitled to vote.

In the preparation of the lists the mayors could expand or contract the electorate like an accordion. They did not operate upon individual names, as had been done in the days of limited suffrage; such maneuvers would have been wasted, when every man over twenty-one could vote. They disfranchised whole masses of electors by keeping their names from the registers. Counting on the carelessness of the voters, they passed over blocks of names and erased still others, on the chance that their possessors would not trouble themselves to come to the polls. Tampering with the registers affected the distribution of seats, for the Government chose to allot one deputy, not to a number of voters, but to a number of *enrolled* voters. Republican Paris suffered most. In 1862-63, though the population increased by 600,000, the voting lists shrunk by 100,000, with a consequent reduction of deputies. A deputy in the department of the Seine represented 120,000 more men than did one from Alpes-Maritimes.

The duration of the election through two days encouraged illegal pressure. The voter was expected to bring his ballot to the polls already prepared to be placed in the voting urn. The mayor, however, placed beside the urn the ballots of the official candidate. Timid and inexperienced voters were commanded to take one of

these and to cast it. This destroyed the secrecy of the ballot, for if they refused, they gave themselves away, and if they obeyed, they voted publicly and perhaps against their own wishes. On the evening of the first day the mayor took charge of the ballot box and carried it to his home. Surveillance was of course impossible, and although the box might be sealed, the contents were practically certain to be tampered with before morning. In rural communes where few peasants turned out, the mayor improvised the result to suit the prefect, by casting the normal number of ballots *ad libitum*.

The reader must not be wearied further with details of the method by which Napoleon III made of universal suffrage a mask for absolutism. The Government was in fact during the early years of the Empire compelled to use care to hit upon the line where official candidature would produce its results without causing too great abstention. Thirty-six per cent of the enrolled voters stayed away from the polls in 1852 and 1857. There was abstention from seeking office as well. So shorn of dignity and independence was the Corps Législatif, that, with all the facilities of government candidacy, it did not attract men of first-rate ability. "Ah, Monsieur le Ministre," replied one man to the overtures of the Minister of the Interior, "in the last Assembly I did everything to fulfill my duty, and you had me imprisoned; in a new Chamber, I should do the same, and you might have me hanged: suffer me to keep my liberty." Politicians regarded the Empire, not with hostility, but with an amused, half-ironical indifference, sadly aware that it was an imperial appanage which did not offer a field for their profession.

The decrease in the number of abstentions after 1863

was a reflection of the increasing importance of the Opposition, as disaster tarnished the repute of the Empire. After the coup d'état the Republicans fled to Belgium and England and maintained a steady, though subterranean, opposition. The minutes of their meetings and their pamphlets were smuggled into France in game and fish, in plaster of paris statues, in double-bottomed trunks. The leaders sought to rid themselves of the chimerical enterprises of their friends by burying themselves, like Louis Blanc, in studies, or crossing the sea like Victor Hugo on the island of Guernsey, whence, like the prophet of the Apocalypse, he wrote encouragement to the followers of the Republic. Napoleon was disposed to leniency, and on state occasions, such as his marriage or a great festival, he issued decrees of amnesty to these irreconcilable emigrés. Though pardon was received at first with rhetorical defiance, one by one the refugees dropped shamefacedly from the circle of their friends and accepted the tyrant's beneficence, whose only condition was that they should acknowledge the new régime.

The returned Republicans became the nucleus of a determined opposition to the Empire after 1860. By its attack on the Pope the Italian War of 1859 estranged the Catholics, who had hitherto been among the Emperor's strongest friends. The treaty with England in 1860, which constituted a long step toward free trade, offended the protectionists, many of whom were the old supporters of the Orleans or the Bourbon monarchies. All, Republicans, Orleanists, Legitimists, and Catholics, coalesced in the Liberal Opposition, which in the elections of 1863 secured thirty-five seats in the Assembly, half of which were held by Republicans. An interest in politics was reviving and such men as Jules Favre, Émile

Ollivier, Berryer, and Thiers, endowed the Liberals with as skillful leadership as that possessed by the Imperialists.

The Opposition continued to grow. The checks to Napoleon's foreign policy convinced many of the Imperialists that French diplomacy was safer in the hands of the Chamber than of a single ruler. A group of forty-five of them seceded from the government and formed the Third Party, demanding not complete parliamentary government, but the "development of political liberty." Lastly the Opposition was strengthened by a Socialist party. The industrial prosperity of the Empire concentrated workers in the city, where the repeal of the law against association (1864) broke down the dam against class consciousness. Though not represented in the Chamber, the labor party added immensely to the votes of the Opposition, which in 1869 received 3,550,000 votes to 4,438,000 for the Government.

As his prestige waned, Napoleon relaxed his paternal rule, not from a fondness for liberalism, but with the Machiavellian intention of shifting the blame for his misadventures upon the elected representatives of the people. In 1860-61 he allowed the Chamber a loop-hole for criticism in a reply to the speech from the throne. The debates were to be printed *in extenso* in the *Moniteur,* instead of as a dry digest. Most important, in view of the financial embarrassments of the ministry, the budget was divided into sections, which the deputies discussed and voted separately. After the Mexican fiasco the control over the press was lightened, although it was still forbidden to discuss the Constitution or the debates in the Chamber. Electoral campaign meetings were at last permitted, although only under the supervision of the

gendarmes, who might dissolve them. Finally Napoleon in 1869-70 accepted the parliamentary régime, the Senate and the Chamber being two houses of a Parliament on the English plan.

The only thanks which Napoleon received for these concessions were the growth of an increasingly defiant republicanism. Led by the fiery Gambetta, the Irreconcilables overlooked the recent reforms and condemned the coup d'état of 1851, the foundation of the Empire. Gambetta demanded the end of official candidature and the Government's power to shape the election districts, election and responsibility of all officials, and the most radical application of universal suffrage. The conflict between Gambetta and the Government grew more bitter, and in 1871 on the eve of the war with Prussia, the Liberals in the ministry also turned against the Government. Napoleon resorted to the familiar device of retrieving losses at home by a foreign war. The capture of the Emperor accomplished in a few months what Gambetta and the Irreconcilables might well have brought about in another decade. The third French Republic was proclaimed on September 4, 1870. A National Assembly, elected by universal suffrage, met in February 1871. A majority of its seven hundred and fifty members were Monarchists.

CHAPTER XVIII

ELECTIONS AND ELECTORAL REFORM IN THE THIRD REPUBLIC

After accomplishing its *raison d'être,* the conclusion of peace with Germany, the National Assembly by the Rivet Law proclaimed Thiers the President of the French Republic, and declared that the Assembly had authority to frame a constitution. For four years it maintained a strictly parliamentary government, while France was rent with perplexity as to the new régime which was to be established. Thiers had been converted after 1870 from constitutional monarchy to a republic,—"the form of government which divides us least." "Those parties who want a monarchy, do not want the same monarchy," he said. The Monarchists might easily have prevented the establishment of a republic, had they not been fatally divided in a triangular schism among themselves. The Legitimists desired the coronation of the Count of Chambord, grandson of Charles X; the Orleanists upheld the Count of Paris, grandson of Louis Philippe; the Bonapartists were still loyal to the fallen Emperor or his son. In 1873 the two former parties coalesced in support of the Bourbon candidate, and the Count of Chambord might have had the throne of France, if he had been willing to renounce the ancient white flag of his house for the tricolor, which France now refused to surrender. He differed from his ancestor,

Leon Gambetta

Henry of Navarre, in not deeming Paris worth a flag. His pride shattered the hopes of the Monarchists, and they yielded to Gambetta and the Republicans, with the secret expectation that they might yet carry out their program.

Although France was now a republic, universal suffrage was nevertheless in danger in the Assembly, which after four years drew up a constitution. Since 1848 the bourgeoisie had submitted to it with luke-warm hostility. There had been grumbling and repetition of the phrases, "the incapacity of the masses," and "the tyranny of numbers"; but universal suffrage had not been on trial in the legislature. Now that the bourgeoisie had overthrown one tyrant, it might be as well to overthrow this one also. It was not safe to reject the principle; safer far to grant it, and then to purge universal suffrage of its evils by regulating its practice.

A large number of plans were brought forward in debate for neutralizing the effects of universal suffrage. Some, like the literacy test or the plural vote for advanced education, endeavored to procure a more enlightened electorate. More speakers were in favor of an economic distinction through a property qualification. Indirect election was proposed. The history of both the First Empire and the Restoration Monarchy was ransacked for schemes designed to render universal suffrage illusory or to supplant it altogether. The Conservatives even went to Prussia and borrowed its three-class system, whereby the tax-payers would have been divided into three equal groups, each paying one-third of the total sum of the taxes; representation would be distributed equally among the three classes, with the result that a

very small group at the top of the country financially would almost control the government.

These open-handed attempts upon universal suffrage never reached the stage of embodiment in a bill. But the project offered by the Commission of Thirty, to which was referred the study of all constitutional bills, was thoroughly, though more subtly, conservative. The age limit was raised to twenty-five; the residence requirement was lengthened from six months to three years, except in one's native commune; and *scrutin de liste* was replaced by *scrutin d'arrondissement,* with its official pressure. The bill preserved the etiquette of universal suffrage, while disfranchising about a third of the voters of France.

Whatever doctrine there was behind the schemes of the Conservatives was based upon the exercise of the suffrage, not as a right, but as a function. In that respect they denied a cardinal point in the creed of the Revolution. If voting is a function, like every other function it can be regulated by the State, and limited to those who are fit to use it. Inevitably the class most apt politically is the one of wealth and intelligence, the *haute bourgeoisie;* and from this comes the theory of the representation of interests by special deputies, or by the more direct means of a property or educational qualification.

That democracy did not succumb to the bourgeoisie in 1875, as it did in 1830 and 1848, was due to a change in the personnel of the democrats. People in 1872 were still using the vague maxims of the Second Republic: "Every adult Frenchman is a political citizen. Every elector is a sovereign. Right is equal and absolute for all. The reign of the people is called the Republic." In 1875 Gambetta had revised these maxims definitely to fit

a new era. Paradoxical as it may seem, Napoleon III had ensured the continued existence of universal suffrage. The laborers, poor, inexperienced, and unorganized in 1848, had reaped the benefits of twenty-five years of industrial progress. Socialism was now more than a theory, it was a practical, political organization. The increase in savings, the legalization of trades unions, and the spread of education under the Empire developed an electorate, which in 1875 would not be deprived of what it still considered a natural right.

Gambetta said at Grenoble: "Have we not seen the appearance, over the whole surface of the country—and I particularly wish to draw attention to this new generation of democracy—of a new electoral class, a new personnel of universal suffrage? Indeed I foresee, I feel, I announce, the coming into politics of a new social stratum. . . . It has been felt that modern democracy has emerged from the somewhat vague sentimentality of our predecessors. . . . We have now to deal with a new class, practical, experienced people, prudent and wise in politics; whenever they utter a wish or pronounce a decision, this wish or that decision will show a special character, a special tone, which should influence the general direction of affairs in France." It was the farmer, the small tradesman, and the laborer made rich by the prosperity of the Empire, who under the Third Republic transmuted the Sovereignty of the People from a rhetorical flourish to a practical, political fact.

So strong was the force of the radicals behind Gambetta, that the Assembly hardly ventured to raise a serious fight against the boldest, frankest application of universal suffrage, as it was then known. French revolutions for a century had involved the question of the

franchise, and the Conservatives wished no revolution. It was a mark of the union between the democratic idealists of the old school and the canny politicians of the new, that the veterans, Ledru-Rollin and Louis Blanc, opened the debate on the suffrage in the Assembly in 1874, while Gambetta crowned it with an overpoweringly brilliant speech. The original bill of the Commission of Thirty was replaced by another, more liberal in character. The Constitutional Laws of 1875 admitted to the franchise every Frenchman, twenty-one years of age, who possessed his civil rights, and who had resided six months in his commune. The laws for disqualification because of crime are severe, even in the case of small offenses, such as the adulteration of food, which is penalized by life-long disfranchisement. As soon as a man is arrested in any part of France, the fact is entered on his card, which is deposited at the tribunal of his arrondissement, and nullifies his vote. Such were the conditions of the franchise in 1875, and such they have continued to the present day.

Compared to Anglo-Saxon countries elections in France are beautifully simple and inexpensive. Apart from the professional politicians, the French people object to being organized into parties, with the elaborate and expensive machinery which they require. While in England and the United States methods of election have grown more and more complicated the last half century, France is still satisfied with the forms of 1850.

Every voter must register in his commune during the first ten days of the year with a Commission headed by the mayor, and once on the lists, he is permanently on, until he removes from the commune. Revision of the lists by the Commission takes place at the same time.

The names of persons who have died or moved away, and of those who have been disqualified, are erased. The Commission is composed, except for the mayor, of private citizens, serving gratuitously without the interference of candidates or electioneers. The revised list is posted in written form for three weeks, during which time any voter may examine it and report mistakes in it to the mayor, who examines them with the aid of a larger Commission than the first. Not one in a thousand of their decisions is disputed. The cost of the preparation of the lists is so small that it is reckoned in with the incidental office expenses of the commune.

To become a candidate for the Chamber of Deputies all that is necessary is a declaration of intention before the mayor, five days before the election. So simple is the ceremony that there is a large class of perpetual candidates, who at each election refurbish their stock of speeches and principles and invite anew the support of their fellow-citizens. One such replied to an enquirer: "Yes, I am a candidate again. It is a trade like any other; the only trouble is that it has too many slack seasons." The exploits of General Boulanger in 1888 in causing himself to be returned from districts all over France with the resulting threat of a dictatorship, led to the rule that a man can stand for only one constituency.

The operation of the elections is as simple as that of registration and nomination. Where two or three Frenchmen are gathered together, it is inevitable that they should form a "bureau," and such a body is put in charge of the polling, usually under the direction of the mayor. There is not often keen competition for the post, and especially on fine Sundays, the members fre-

quently close the poll early and repair to the country, or spell each other at the work. The most patriotic citizens find it hard to give the whole day to this form of state service. Perhaps the fact that the election is always on Sunday is to blame for the persistent refusal of a great number of the French to take their privilege seriously enough to come to the polls. Furthermore the elections take place in the spring when the planting draws away from the number of those who vote.

The voting takes place in the town hall, which is furnished with the simplest of equipment. The main article is a large box, often home-made, with a slit in the top; it has two locks with different keys, each of which is held by a different official.

In order to vote, an elector must present proof of his registration. This consists of a card bearing the mayor's signature and his own handwriting and number, with other details to identify him. In large communes he must write his name on the register when he votes, to prove that he is the person described on the card. Once identified, the voter presents a ballot which he has prepared, or has had prepared for him, before he entered the room. He does not cast it himself, but hands it folded to the chairman, who drops it into the urn, after clipping off a corner in order to check up the ballots found in the box with the record of those actually voted. The cut-off corners used to be strung carefully on thread.

The winner must poll an absolute majority of the votes cast and also one-sixth of the total votes on the register. If no candidate has secured that number, another election, called ballotage, takes place, usually between the two leaders, to whom the other candidates turn over their votes. The ballotage is simply the contest fought all

over again with all restrictions removed as to the majority. It is likely to result in an entire reversal of the first election because of a new issue, or of superhuman exertions on the part of the lower candidate.

The chief features in French elections under the Third Republic have been the renewal of official pressure, the continuation, if not the increase, of fraud, and the controversy over the merits of *scrutin de liste* and *scrutin d'arrondissement* as methods of voting. A half century has elapsed since the official candidature of Napoleon III, but the practice has lost none of its etiquette. No great change in this respect could be expected, since few French politicians, except the victims of the system, deplore the intervention of the Government, nor does the public think it improper. In the eyes of some citizens, its main fault is that it is performed in so casual a manner that it does not give the stability to politics which they had before 1871. Napoleon justified his manipulation by the theory that a people prone to revolution needed to be guided in voting. The Government to-day inherits that tradition, but the prefectures are too decentralized, the ministries too feeble and short-lived, to direct the manipulation toward any important end. Instead it is done by local functionaries, who use it for petty, local aims, to gain patronage for their communes and to squeeze personal favors for themselves from the deputies. The Republic suffers from all the vices of official candidature without receiving its benefits.

France is the most thoroughly ministerial country in Europe. In 1872 the Comte de Paris, the Bourbon claimant to the throne, asked a supporter what were the political sentiments of his department. "Monseigneur," was the reply, "once your majesty has been proclaimed

King, it will be the most loyal supporter of your royal house." Pressure is exerted through the vast bureaucracy of 680,000 public servants from the prefects down to the postmen and the gendarmes, and especially through the prefects, sub-prefects, and the *delegués*. The prefects, although no longer appointed by the central administration, are amenable to its influence, for a prefecture may very possibly lead to a deputy's seat or even an embassy post. The *delegué* is an unofficial party worker who is rewarded from the secret service fund or by the promise of government employment. All these functionaries owe their office in part to the local deputy, and depend on him for advancement. Consequently they are very much interested in the election of a deputy who enjoys the favor of the government.

The arguments which they present to the voters are potent. A town wishes a railway or a tram-line built by the government. It is notified a month before the election that the petition hangs in the balance; that the ministry desires to see the election of M. X. M. X. is elected by a large majority and the town gets its tram-line. The peasant desires to remain at peace with any government which will protect his interests, and he is willing to vote as he is told. The prefect controls a great amount of patronage, such as state assistance to the farmer for the loss of stock or crops, pensions to old soldiers, postponement of military duty, and the grant of furloughs to gather in the harvest. He has a hold on the rustic's vanity through the decorations, military and civil, which he can distribute. All these favors he affects to grant upon the recommendation of the official candidate, and deflects the glory to him.

Official candidature is the root of all the vices of the

French electoral system. The only justification for it would be the stabilizing of party strife and the ending of the butterfly existence of French ministries. This, as we have seen, it does not accomplish. On the other hand, it leads to electoral fraud by smirching the public conscience, by relaxing it in a thousand petty ways, and thus by introducing the spirit of commercialism, which is the bane of French politics. The trafficker in votes has always the apology that the state is setting the example. He can also count upon the indifference of the public, and, if he is caught, upon its indulgence; for French electoral standards are below those of other spheres of French life.

The formation of the electoral lists of voters is open to more irregularities than in America, because of the semi-official character of the commission which revises the lists annually. Its head is the mayor, one of the men most interested in the result of the election. The names of the dead and absentees are kept on the list, so that one skeptical candidate remarked that he always began his campaigns at the cemetery, since that was where most of the votes came from. Fictitious inhabitants are created, like the old faggot voters in England, by the division of a piece of rocky soil into sections barely large enough to qualify several men as residents. On the false names thus injected into the register, floating voters, known as "flying battalions," travel through adjoining districts on election day and vote repeatedly. Some favored communes have had their voting lists swelled by a third in election years. Personation and repeating are made easier by the manner of distribution of the electors' cards which must be presented at the polls. Before election day these are sometimes delivered

in bunches to employers or foremen, who give them out at their pleasure, not necessarily to the men for whom they were intended.

While it is an economy to the state, the simplicity of French elections is also an open door to fraud. The method of voting is that which was adopted in 1852, and is somewhat similar to that which was used in America at the same time. The French have reduced the checks upon dishonest voting below the safety point. The candidates can not have watchers on hand during the voting or counting in order to challenge questionable ballots.

The president of the electoral bureau may form a corrupt or partisan bureau, which will act in favor of one party throughout the proceedings. He has the power to declare at any time that the disorder warrants closing the polls. Unfortunately he is not free of the charge of arranging sham rows beforehand, ordering the gendarmes to clear the hall, and then, with the help of the commission, fixing the result of the election to suit himself. In cases where there is no disorder, he can use his discretion in ending the election, when he deems that there are no more electors to vote. In counting he may propose that the ballots be emptied out into a hat, which, while not containing as many things as the magician's hat, holds nevertheless folded sheaves of ballots arranged to fall apart at a friendly shake. The counting takes place in the midst of noisy crowds, which as a last resort sometimes overturn the lamps, carry off the ballots, and nullify the election. Here too the mayor has a chance to alter the returns of the poll. The situation would be somewhat analogous, if in the United States we should

give the charge of an election to an outgoing officeholder or to the boss of one of the parties.

The ballot in France had, until 1913, the same features and the same disadvantages as the ballot in the United States before the introduction of the Australian system. The ballots were not printed officially, but were prepared by each elector, the only rules being that they must be white and without external marking. The first rule was circumvented as follows: Party agents stood at the door with party ballots contained in multi-colored envelopes. Before casting his vote the voter must tear open the envelope. Both the president and the party workers at the door could see plainly which ticket he voted. The second restriction was evaded in a number of ways. The ballot was marked with red ink on its face, it was numbered, had a name transposed, contained a flower petal, or was folded in a peculiar manner. All these maneuvers were intended to prove that a voter was delivering a bribed vote. If the president wished to find out how an honest elector had voted, he resorted to another means. The voter did not drop his ballot into the urn, but handed it to the president, who deposited it. In doing so the latter rubbed his fingers over an ink-pad in his pocket and marked the ballot for future recognition. These and other practices made the vote, although nominally secret, in practice almost as public as in Prussia, where it is oral.

The continued efforts of the Chamber of Deputies to get the Senate to agree to a completely secret ballot resulted in 1913 in a law providing for voting under envelope, as in the elections to the German Reichstag, and for secret voting booths. All ballots must be cast in a uniform, opaque envelope, provided by the prefect, and

bearing an official stamp. The voter goes into the *isoloir*, or booth, and in secrecy folds his ballot and puts it into the envelope. He then deposits it in the urn himself, so that the president may have no chance to mark it surreptitiously. This reform will do away with intimidation, ballot stuffing, marking of ballots, and their identification by outsiders. It came slowly, and in the face of great opposition in the Senate during a whole decade. That body has refused utterly to allow witnesses and challengers at the polls. France also needs a corrupt practices law of broad scope to cover all the varieties of corruption which arise in elections; and it requires more stringent legislation against repeating and personation. These reforms will probably be pressed in both chambers after the conclusion of the war.

A reform measure which has received still greater attention during the last ten years has been the substitution of *scrutin de liste* for *scrutin d'arrondissement*. No other subject has been discussed at such great length. It has been the main issue in general elections, and has caused the downfall of at least one ministry. The controversy is between the general ticket (*liste*) method of electing deputies and the single-member district method. In crucial years such as 1848 and 1871 France has reverted to *scrutin de liste*, and this enjoys the tradition of being the more purely Republican institution, with none of the unsavory memories of the Second Empire clinging to it. The Briand ministry in 1909 put electoral reform at the head of its program and went before the country in 1910 on the question. Of the deputies elected only a twelfth were declaredly in favor of maintaining the old system of single-member districts, and in 1912 the Chamber passed by a large majority a bill combining *scrutin*

de liste with proportional representation. But the senate in 1913 acted adversely upon the bill, causing the resignation of Briand, and indefinitely postponing the consideration of the problem, in view of the outbreak of the war the following year.

One of the chief arguments preferred against the uninominal district system is that it produces a narrow-minded, inferior type of deputy. What the French call the *esprit de clocher,* the feeling for his native parish, closes his eyes to a national viewpoint. The deputy goes up to Paris, much as a business agent does, to see that his constituents secure their share of the finances and to bargain for favors. He agrees to support the ministry in return for patronage, a liberal supply of decorations, and promotion for his political backers. When he has secured the "deal" with the ministry, he can treat his district like a fief, for to him must come all, from the prefect down, who seek favors. He gets appropriations for roads and canals, builds fountains and city halls, dictates all the appointments to the local bureaucracy, in return for the votes he will need at the next election. What time has he left for the study of national problems, had he the inclination? Election by general ticket, it is contended, will cut the apron strings binding the deputy, by making him the representative of a large section of the nation, for which petty log-rolling will be out of the question.

At the same time, electoral reform will lead to administrative reform, for which there is great need. So long as the deputy is elected from a small district all the offices of which he has firmly in hand, he is not anxious to cut out useless machinery which contributes to his power,

or to surrender his control over the district administration in favor of decentralization.

A more valid argument against the single-member ticket system is that it breeds great inequalities in representation. Statistics show that since the adoption of the Constitution only about forty-five per cent of the electors have been represented. Important laws, such as the separation of church and state, are often passed by a minority of the nation. Inequality is of course due to the necessity of drawing arbitrary lines, which cannot keep abreast of the movement of population from one region to another. The larger the districts are made, the fewer these lines will be, and the fairer will be the distribution of the deputies, provided proportional representation is adopted.

The friends of *scrutin de liste* assert that it will diminish the evils of official candidature by making the district so large that the prefect cannot "carry it in his pocket." The answer is that the difficulties in the way of the official candidate may be greater, if he is one of several, representing a large district; but that while public sentiment is what it is, the government will hardly cease to interfere in elections on account of a mere change in the method of voting.

The advocates of the single-member district, on the other hand, have strong arguments on their side. They point to the Chamber of 1885, elected by the *scrutin de liste,* as proof that that method does not raise the caliber of the deputies. That Chamber passed no remarkable, constructive legislation, nor was it noted for its largeness of outlook. In fact, its chief claim to remembrance is the precipitancy with which it returned to *scrutin d'arrondissement* in 1889. The deputies cannot be larger

men, for they will be chosen more or less blindly in a huge department like the Seine, which will have fifty deputies. The Frenchman considers it impossible to know anything adequate about the merits of a ticket of that length. Although one kind of inequality might be abolished by *scrutin de liste,* another would take its place, in that a voter in Paris would really have fifty votes, as compared with a voter in a small department who would have but five.

The theoretical arguments for and against the two methods of scrutiny cannot be taken at their face value, for when either has been applied in the last half century, it has been for personal or partisan reasons, rather than for the sake of doctrine. The general ticket system had all the prestige of a Republican institution, but the Republicans fought it for ten years, because they feared that Gambetta, its great advocate, was using it as a stalking-horse to a dictatorship. The first elections by *scrutin d'arrondissement* in 1876 belied expectation by returning twice as many Republican as Monarchist deputies. Gambetta fought valiantly against the system, which he called the "last fortress of the Monarchists," and the "broken mirror in which France did not recognize herself," but he was defeated and forced to resign. Only his death in 1881 stilled the opposition which jealousy had aroused against his cherished design. In 1885 Parliament unanimously adopted *scrutin de liste.* In the first elections the Conservatives elected two hundred deputies and won back all the ground they had lost in 1877, disproving again the fancied connection between this system and good Republicanism. It was hastily abandoned in 1889, because General Boulanger so easily used it to claim the support of a few large departments,

and threatened to overthrow the Republic. The Republicans voted almost solidly against the law they had passed four years before. Their volte-face was rewarded by a victory in the elections with the single-name ticket. Yet after half a decade the Republicans once more forgot the facts and renewed the agitation for reform, which has continued ever since.

The case for *scrutin de liste* has been strengthened since 1902 by its connection with a scheme for proportional representation. Obviously a general ticket system, like that of our presidential electors, is very unjust to a minority, which may be considerable; and it is necessary to allot some seats according to the votes polled by the minority parties. Absence of some proportional system has discouraged party growth in France. The upper bourgeoisie and the conservatives say, "What is the use of going to the polls? Our votes will inevitably be swamped by those of the advanced Republican and Socialist workmen." Proportional representation is majority rule's corrective against the tyranny of numbers.

The system proposed for France is based on the system already so successful in Belgium. Apparently very intricate, its fundamental principles are in reality simple. Its complexity is no barrier, for the problems of distribution would fall upon trained heads in the administration of the department, not upon the voters. The working basis in distributing the seats is the "electoral quotient," or standard measure, which is the average number of votes a deputy ought to receive, if all the deputies were to be elected equally. It is obtained by dividing the total number of votes cast by the number of deputies. If a party ticket obtains three times the

© Underwood & Underwood

Aristide Briand

votes indicated by the electoral quotient, it ought to receive three places; if it obtains but half the quotient, it receives none, on the first distribution. To find the total mass of votes cast for a party, the votes on all the party's tickets are added to all the scattering votes for the same party list on split tickets. This is the "electoral mass" of the party, but it must be divided by the number of candidates to get the average number of electors who voted for the party's ticket. On the first allotment each party receives as many seats as its average contains the electoral quotient.

Let us illustrate this by the case of a department electing six deputies and having four parties: the Socialists winning 19,700 votes, the Conservatives 14,176, the Radicals 51,125, and the Progressists 33,114, a total of 118,-115 votes cast. Divided by six, this gives an electoral quotient of 19,685. On the first distribution the Socialists get one seat, Conservatives none, Radicals two, and Progressists one. There are now two deputies not yet allotted.

Before the second distribution it is possible for the leading candidates of two or more lists to combine their forces to get a seat jointly. Such an "alliance" must be declared ten days before the election, and of course involves the risk of sacrifice by one of the allies, if its ticket runs unexpectedly well. In case no alliances have been made, the remaining seats are distributed in proportion to the unrepresented votes in each party. This is accomplished by means of the "largest average system," the average being obtained by dividing the total party vote by the number of seats already conceded it, plus one. Thus in the above case, if the Socialists got another deputy, they would have one for each 9,850

voters, clearly more than their share. If the Conservatives received one more, 14,786 of their electors would be represented by one deputy. The figure for the Progressists would be 16,557, and for the Radicals 17,041. Naturally one of the remaining seats is now given to the Radicals, since they have the greatest number of members represented by a single deputy; and the sixth and last seat goes to the Progressists, as the next most "congested" party.

But let us suppose that the three smaller parties have formed an alliance against the Radicals. Their total unrepresented votes, left after the first allotment, are added together, and if they are larger than the electoral quotient, the group is as justly entitled to one deputy therefor, as a single party would have been. Then, since the total of votes cast for the *bloc* is an absolute majority of the votes cast in the election, the alliance claims another seat by virtue of that fact. The seats won by the alliance are distributed within it by the system of the largest average; and in the present instance these two would fall to the Progressists and to the Conservatives, the least generously represented units in the group.

The final result is as follows:

		no alliance	with alliance
Socialists	19,700 votes	1 deputy	1 deputy
Conservatives	14,176	0	1
Radicals	51,125	3	2
Progressists	33,114	2	2
	118,115	6	6

By pooling their interests, that is by becoming for the moment one party, the alliance gains an extra seat for its members at the expense of the Radicals, and insures

some representation for the small Conservative group, which under the old system would be completely without it.

Because it bears so directly upon party strength, proportional representation is judged rather by its effect on the existing order than by its abstract merits—in other words, as a practical question. The Conservatives in France have been considerably under-represented in recent Chambers, and they are the firmest supporters of reform. Many of the leaders of the Radicals and the Radical Socialists, who are the most favored groups under the present system, are theoretical defenders of a change; but the mass of their parties, sure now of a majority, hesitate to risk their control by adopting an untried scheme, which would strengthen the reactionaries. Since its defeat in the Senate in 1913, the reform has been indefinitely postponed by the war, during which not even elections for the Chamber of Deputies are being held. If the measure is accepted after the war, as there is good reason to expect, it will probably be adopted upon grounds of expediency rather than of abstract justice.

The difficulties in the way of proportional representation are typical of the shifting, nebulous character of party life in France, with its multiple party groups, which are sometimes with difficulty distinguished from each other. French parties in their present day form date from the Dreyfus case. In the earlier days of the Republic the natural division between Republicans and Conservatives, (really Monarchists), had been the central fact of politics. The advent of the Radicals in 1885 added a new group, but did not change the essential division with regard to the form of government. The victory of Dreyfus and his champions over the enemies of the Re-

public, however, marked the end of royalism. Soon after 1900 three great party groups coalesced from the fragment of the old parties.

On the leading issue of the day, the question of the Church, the Conservatives joined in 1901 in the *Action Libérale Populaire* for the purpose of fighting anti-clericalism. They recognized the Third Republic and accepted the principles of the great Revolution, but they opposed the complete separation of the Church and the State. The members of the *Action* were drawn from the upper bourgeoisie, the moderate Republicans. Their interest in the rights of property is demonstrated by the fact that they favor a revision of the Constitution on the lines of the American Constitution, with a Supreme Court to guarantee the rights of property-holders. The party has made strenuous bids for the support of the laboring classes by a program of Christian Socialist legislation, which includes workmen's insurance, old age pensions, and a minimum wage for women in home industries. Of recent years its aims have been summarized as the three R's: Representation Proportionelle; Representation Professionnelle; and Repartition Proportionelle, or state support for Catholic schools.

The place of a Center party was for a long time held by a remarkable coalition of parties, called the *Bloc*. The group was welded together by the heat of the Dreyfus trial in order to protect the Republic, and was the first sign in France of a party in the Anglo-American sense, with a definite program and a strong organization. Its ministries ruled France for upwards of fifteen years. Like all coalitions the *Bloc* suffers from organic weaknesses in the diversity of its component parts. The more conservative part of the *Bloc* opposes social legislation,

on the plea that it contravenes the sacred principles of the Revolution, which maintained the rights of individualism, not of communism, in property. In the center of the *Bloc,* and numerically its strongest part, were the Radicals, the earliest and most zealous Republicans. On its left the *Bloc* attracted a certain faction of the Socialists, led by Briand, Millerand, and Viviani, who called themselves Socialist Radicals. So far as concerns social legislation, they are the motor of the machine of which the conservative members are the brake. The Radical Socialists desire a readjustment of the doctrines of the Revolution to fit the social needs of the present; they distinctly favor some of the features of the Socialist program, such as Government ownership of public utilities and monopolies. One sees the justice of Ferdinand Buisson's definition of the *Bloc*: "A bourgeois party with a Radical soul." It has been called, too, "capitalism touched with social emotion."

Its ambiguous attitude towards socialism was a great source of weakness to the *Bloc,* after its *raison d'être* had ceased to be vital because of the decay of royalism. Timid and rent within itself, it has been during the later years of its existence continually on the verge of a break-up. In truth the *Bloc* has exhausted the reservoir of ideas, watchwords, and other stock in trade, which it appropriated from the Revolution—royalism, the Church, the republicanism of the army, the schools, and the democratization of the suffrage. It has been struck with sterility, and its three ministries since 1910 were absolutely stagnant. It is perhaps too early to pronounce the *Bloc* dead, but it has at any rate lost a great part of its former adherents and its ability to expand and to adopt itself.

Its Socialist members began to drift away upon the issue of anti-militarism long before the beginning of the present war, joining their votes to their down-right Socialist *confrères*. Socialism in French politics is nearly forty years old, but its force was dissipated until 1900 by the fact that the six or seven factions of the party were totally unable to unite. It did not become important, until the International Socialist Convention of 1904 ordered the various camps to amalgamate and bury their differences. The following year the *Parti Socialist Unifié* was formed, in which, however, there have always been, and continue to be, two sharply divergent schools. The more moderate, under the leadership of Jean Jaurès (assassinated in 1914), believe that socialism should make its way by coöperation with other parties. The followers of Jaurès have debated and voted side by side with the Conservatives and the Radicals. The Independent Socialists, whose most famous leader was the implacable Jules Guesde, reckon it a heinous crime to have business with the representatives of the bourgeoisie. They have driven out heretics like Briand and Viviani. This excess of independence is changing, however, to a more tractable spirit. French socialism has suffered from its tendency to the oratorical, the ideal; and it is a hopeful circumstance for its advance that a majority of its believers in the Chamber are becoming converts to the coöperative and legislative spirit of the moderate Socialists.

In any discussion of French parties it should be remembered that no parties in the English or American sense exist in France. There is little in the way of organization. The *Action Libérale* is perhaps as well constructed as any party, with national and local committees, whose activity, however, does not compare with

that of corresponding bodies in America. Each candidate is his own party until elected, framing his own platform, choosing his own principles, and making his own speeches. After the elections the parties in the Chamber of Deputies are constituted by the association of deputies who agree upon the questions of the moment. It is this which gives French party life its evanescent quality. The allies may hold together for years, they may separate after a single session. In view of the kaleidoscopic changes in the party structure we have attempted to give here little more than a brief indication of the main lines which party development has followed in the past twenty years.

Although she was the first to adopt universal manhood suffrage, France has been slower than some other countries to perfect it by making all votes as nearly as possible equal. She has retained her old election customs, without the safeguards which universal suffrage needs, in order to make it a trustworthy index of the popular will. These would seem the more necessary in France because of a laxness in electoral morals which winks at the manipulation, if not the downright purchase, of votes. Within five years France has improved the ballot by making it really secret. That she has not yet adopted more of the paraphernalia of Anglo-Saxon countries is perhaps accounted for by the fact that the Frenchman refuses to take his elections as soberly as the Englishman or American. He would never tie himself down to an elaborate system of party nominations, although it promised a more stable party régime in the government. Gallic political institutions lack the power of organic growth, which steadily adapts and improves to meet changing circumstances. For this reason the two

things most needing reform, official pressure and electoral corruption, will probably go unmended until conditions become unbearable, or until some great leader makes political capital of them.

INDEX

INDEX

Abstention: France, 364, 374
Action Libérale Populaire, 388, 390
Age qualification: United States, 234
France, 356, 370, 372
Alternative vote, in Queensland, 193, 194
Amiens, elections in 1300, 28
Ancient Right franchises in England (see Borough and County franchise)
Anglo-Saxon assemblies, 40-42
Anthony, Susan B., 236, 239
Aquinas, Thomas, 10
Arkwright, effect of Arkwright's inventions, 78, 113
Arundel, Earls of, borough patrons in England, 82
Asquith, H. H., 163, 166, 167, 168, 170, 171, 172, 180

Ballot: Rome, 6
Italian cities, 7
Ballot Act of 1872 in England, 141-42
Australian ballot in England, 193
American Colonies, 217-20
early United States, 246-47
form of ballot in U. S., 247-48
abuses in U. S., 248-9
beginnings of ballot reform, 249-50
introduction of Australian ballot into U. S., 250
Ballot: Massachusetts ballot, 251
excessive size in U. S., 252-53
method of use in U. S., 254-56
prospect of reform in U. S., 265
non-partisan ballot in U. S., 288
France, 363, 374, 378, 379; secret ballot, 379
Ballotage: United States, 283
France, 374
"Basket-money," form of bribery in England, 123
Beaconsfield, Earl of (see Disraeli)
Bern, Council in 1295, 28
Blanc, Louis, 350, 353, 365, 372
Bloc (France), 388-90
Bludgeon men, in British unreformed elections, 94, 95, 104
Boissy d'Anglas, 315, 316
Borough mongering, in England, 88-90
Borough patrons, in England, 81-90
Boss: United States, 268-70, 280, 283, 286
Botany Bay, 189
Boulanger, General, 373, 383
Bourbons, in France, 326-42
Brentford, election of 1768 in, 103-04, 109
Briand, 380, 389, 390
British colonies: General character of elections in, 181-183
types of colonies, 184
Canada, 185-189

British colonies: Australia, 189-194
New Zealand, 194-196
South Africa, 196-204
British North America Act, 185
Broadhurst, on British franchise, 150
Browns, Robert, 10
"Burgage hold," franchise in England, 72
Burgesses, in England, 64, 65
Burke, Edmund: On rotten boroughs in England, 79
on British representative system, 111
opposes electoral reform, 114

Caledon, Earl of, borough patron, in England, 82
Cambridge, corrupt practices in, 122-23, 126
Campaign Contributions: United States, 257-59, 262-63
Canada, development of, 185; government of, 186; franchise in, 188-89
Canute, elected by British Witan, 41, 42
Canvassing (see Electioneering)
Cape of Good Hope, franchise in, 200, 201
"Carpet-baggers," 240
Cartwright, British reformer, 85
Caucus: Origin, 270-71
change to convention, 272
congressional caucus, 290-91
Chamber of Deputies, in France, under the Bourbons, 329, 331, 349
Chamber of Peers, in France, 329, 339
Chamberlain, Joseph, on plural voting in England, 152
Charles I, quarrel with Parliament, 60
Charles X, of France, 336, 339, 341, 342
Chartism, in England, 132
Chester, county palatine in England, 48
Chesterfield, on purchase of borough seats in England, 88-89
Chicago Municipal Voters' League, 264
Christian Club, of Shoreham, organized for electoral corruption, 28
Citizen's League, 264
Citizenship Qualification (see Residence)
Cleveland, President, 14
Close boroughs, in England, 80-90, 117
College of Cardinals: Creation, 36, procedure, 36-37
Comitia Centuriata, 5, 6
Comitia Curiata, 5
Comitia Tributa, 5
Commission of Thirty in France, 1874, 370, 372
Commonwealth, in England, 60
Communal Revolt, 19, 20, 21
Commune, 21, 25
Commune, of Paris, 318
Conciliar Movement, 37, 38
Condorcet, 12
Confirmatio Cartarum, 51
Conjuratio, 20, 21
Conservatives in England: Opposition to electoral reform in 1866, 135
pass Reform Bill of 1867, 137
power after 1885, 163, 164
favor redistribution, 165
advocate plural voting, 166

Constituent Assembly of 1791, in France, 307, 308
Constitution of 1791, in France, 308
Constitution of 1795 in France, 314, 315
Constitutional Charter, of 1814, in France, 328
Consul, election of Roman, 5
Convention, nominating: United States, 273, 277-81, 291-95
"Convention Parliament," deposes James II and elects William and Mary, 62
Convention, in France, 312, ff.
Cook, Captain, claims Australia, 190
Corps Législatif: Second Empire, 357, 358, 361
Corrupt Practices Act of 1854, in England, 127
Corrupt Practices Act of 1883, in England, 142-43
Corruption (see Fraud)
Cortes, 31
Cotton, John, 212
Council of Ancients, in France, 314, 315
Council of Five Hundred, in France, 314, 315
County Courts, in England, 45
Coventry, corrupt practices in, 126
Credenza, 23
Cromwell, Oliver, 60
Curia Regis, or King's Council, in England, 43

Danton, 312
Declaration of the Rights of Man, in France, 309
De Lolme, 53
Demos, in Athens, 3
Duncombe, Thomas, 125
Desmoulins, Camille, 312
Devonshire, Georgiana Spencer, Duchess of, canvasses for Fox, 100-02
Direct Primaries (see Primaries)
Directory, in France, 314, 319, 320, 321, 322
Disfranchisement, causes for: United States, 234
France, 372
Disraeli, Benjamin, 134, 135, 136, 137, 138, 139
Distribution of sects: England, 75-80, 120-21, 139, 140, 153-55, 177, 178
Canada, 187, 188
in Australia, 191-92
in New Zealand, 195
in South African Union, 198, 199
France, 361, 382
Doddington, Bubb, English election agent, 86
Doge, election of, 24
Downton, rotten borough in England, 80
Dreyfus case, 387
Durham, county palatine in England, 48

Edward the Confessor, 42
Edward I, King of England, 46, 50, 51, 54
Edward II, deposed by English Parliament, 56
Election of 1784 in Westminster, 100
Election of 1906, in England, 166
Election of 1857 in U. S., 298, 301-02
Election of 1876 in U. S., 300, 302
Election of 1884 in U. S., 299
Election Banquets: Medieval, 26
American colonies, 222

Election Sermon: Medieval, 27
American colonies, 222
Electioneering: In British unreformed days, 91-110
after 1832, 122-129, 130
after 1885, 156-161
American colonies, 224
United States, 248, 256, 257, 259-61
during French Revolution, 320, 321
under Bourbon restoration, 340
under July monarchy, 347, 348
Elections in England: Before 1832, 66-68, 75-112
after 1832, 113-45
after 1885, 146-62
Elections: In British Colonies, 181 ff.
in Canada, 187-89
in Australia, 192-93
in New Zealand, 195, 196
in South Africa, 199-204
in English Colonies in America:
resemblance to English system, 207, 209, 210
calling of an election, 207-8
polling, 209
returns, 209
property qualification, 210-12
religious qualification, 212-15
definition of church-membership, 213-214
end of religious qualification in New England, 215
substitution of personal for real property, 216
nominating systems, 216-17
use of ballot, 217-20
proxy voting, 220-22
electoral customs and morals, 222-25
Elections in English Colonies in America:
American innovations summarized, 225
Colonial New England:
Colonial, 206, 208, 211, 212-15, 216, 217, 219, 220-22, 225
United States:
Colonial period, 206-26
effect of Western expansion, 228
franchises in States' Constitutions, 232
acquisition of manhood suffrage, 234
woman suffrage, 235-39
negro suffrage, 239-44
early use of ballot, 246
abuses of the ballot, 248-49
introduction of Australian ballot, 250
excessive size of ballot, 252-53
electoral procedure, 254-57
fraud, 256-63
Corrupt Practices Acts, 262
publicity of campaign expenses, 262-63
party structure, 267
national committee, 267
state committees, 268
caucus, 270-73
nominating convention, 273, 277-81
primaries and primary reform, 273-77
direct primaries, 281-87
nominating by petition, 287
non-partisan ballot, 288
congressional caucus, 290-91
national convention, 291-95
status of convention delegate, 292
convention procedure, 292-95
election of U. S. Senators, 295

Elections in United States:
reasons for indirect election of President, 296
Electoral College, 296-97
counting of electoral votes, 300-03
Electoral Count Act, 303
needed reform of Electoral College, 304-05
Maryland:
Colonial, 210, 211, 257
state, 232
Massachusetts:
state, 232, 234, 250, 251, 271, 272
New Jersey:
colonial, 215, 218, 224, 232, 259
New York:
colonial, 207, 208
state, 232, 233, 235, 254, 259, 261, 262, 266, 269, 275, 276
North Carolina:
colonial, 219, 224
state, 232, 234, 250
Kentucky, 232, 247
Oregon, 252, 262
Pennsylvania:
colonial, 218, 219, 224
state, 232, 235, 281
South Carolina:
colonial, 211, 225
state, 228, 232, 241, 243, 298
Virginia:
colonial, 210, 211, 212, 224
state, 232, 234, 235, 242, 247
France, 309-21; under Napoleon, 323, 327; under Bourbon restoration, 329-42; under July monarchy, 344-49; in 1848, 351
election of 1848, 352-53
official candidature in second republic, 353
Elections in France:
Louis Napoleon, President of republic, 354
law of May 31, 1850, 354
Louis Napoleon overthrows republic, 356
constitution of 1852, 356
official candidature, 358-60, 361-64
fraud under second empire, 363
growth of Republican opposition, 365-66
Napoleon III relaxes control, 366
Gambetta and the Irreconcilables, 367
fall of second empire, 367
proclamation of third republic, 367
failure of Monarchists, 368
attack on universal suffrage, 369
Law of 1875, 370
election procedure, 372 ff.
official candidature in third republic, 375-77
its evil effects, 377
manipulation of lists, 377
corrupt election bureaux, 378
secret ballot, 379
Scrutin de Liste vs. *Scrutin d'arrondissement*, 380-84
proportional representation, 384 ff.
objections to it, 387
its defeat, 387
parties in France, 384 ff.
Electoral College: Holy Roman Empire, 33-35
in presidential elections in U. S., 296 ff.
procedure, 296-97
disadvantages, 297-98

Electoral College: Choice of electors, 298-99
favored position of large states, 299
unrepresentative nature of system, 299-300
method of count, 300-04
Electoral Count Act, 303
needed reform, 304-05
in France, 310, 313, 316, 324, 329, 331
Electoral Count Act, 303
Electoral districts: France, 360-61
Electoral Lists: United States, 254, 260-61
France, 363, 372-73, 377
Electoral procedure (see under *country:* electoral procedure)
Electoral quotient, 384
Elizabeth, Queen of England, 49, 58, 59, 61, 74
Estates General, in France, 307; contrasted with House of Commons in England, 65
"Estates States," 8

Faggot Vote: American colonies, 223
Fifteenth Amendment, 240, 241
Florence: Elections in, 23
use of lot, 25
Folkmote, 40
Fourteenth Amendment, 237, 239
Fox, Charles James, 83, 100-02, 105, 114
Franchise: Athens, 2
four theories of, 1-2
act of citizenship, 2
vestal privilege, 8, 9
natural right, 10
function, 13-14
Franchise: Moral need, 15-16
medieval towns, 21
England, borough franchise, 69-75, 117, 137, 138; corporation franchise, 72; county franchise, 67-69, 117, 137, 138, 139, 144, 176; freeman franchise, 73-75; household franchise, 136, 137; unreformed elections, 67-75; Act of 1832, 117; after 1867, 137; after 1884, 144, 147-53; Act of 1918, 174-76
in Canada, 188-89
in Australia, 192
in New Zealand, 195, 196
in South Africa, 200, 201, 202
American colonies, 210 ff.
United States, 234-35
in France under the Revolution, 309, 313, 315; under Napoleon I, 323; under Bourbon Restoration, 329, 331, 335, 342; under the July Monarchy, 344, 345; in 1848, 351
in Second Empire, 356, 369
in Third Republic, 370, 372
Fraud in British unreformed days, 91-110
after 1832, 122-129, 142
after 1885, 158-161
Australia, 194
American colonies, 223-25
United States, 256-63, 280, 281, 296, 302, 305
France, 318, 319, 320, 336, 347, 348, 363-64, 375, 377-80, 381, 391
French Revolution, effect upon reform of British electoral system, 115

Gambetta, 367, 369, 370-71, 372, 383
George of Hanover, elected king of England by Parliament in 1714, 62
George III, King of England, 63
Gild, 20, 21, 24, 30
Golden Bull of 1356, 34
Grampound, electoral corruption in, 97
"Grandfather Clause," 242
Great Council, in England, 47
Gregoire, 334
Grey, Charles Earl, reformer, 115, 116
Gladstone, W. E., 119, 123, 124, 133, 134, 135, 136, 137, 139, 141, 142, 163, 169
Guesde, Jules, 390
Guizot, 346, 350

Half-way Covenant, 214
Hausa League, diet of, 31
Henry IV, King of England, elected by Parliament, 56, 57
Hogarth, election cartoons, 93-95
Hooker, Thomas, 11
House of Assembly, in South Africa Union, 197, 198
House of Commons, in England, development of, 45-63
House of Commons, in Canada, 187
House of Lords, in England, 48, 65, 162, 167, 168, 183
House of Representatives: In Australia, 191
in New Zealand, 195
Hustings, in England, 142

Ilbert, Sir Courtney: On Plantagenet Parliaments, 50
on British unreformed system, 111
Indirect election: Of United States Senators, 295-96
of President of United States, 296-305
France, 369
Industrial revolution, in England, effect on elections, 113
Intimidation, in elections (see Fraud)

Jackson, Andrew, 232, 273, 290, 291
James II, King of England, 62, 92
Jaurès, Jean, 390
July Monarchy, in France, 342-51
July Revolution of 1830, in France, 342

Kant, 15
Kent, Chancellor, 233
'Khaki election" of 1900 in England, 165
King's Council or Curia Regis, 43, 47
King's Lynn, electoral college in, 69
Knaresborough, pocket borough in England, 82
Knights of the Shire, in England, 64, 65

Lafayette, 334, 342
Legislative Assembly of 1791, in France, 311, 312
Leo IX, 36
Lex Gabinia, 6
Liberals, in England, advocate electoral reform, 164, 165, 166, 167
Literacy qualification: Reason for, 15
United States, 235-242
France, 369

"Liveryman" franchise in England, 74
Lloyd George, David: On freedom of elections in Great Britain, 161
advocates woman suffrage, 169
Locke, John, on British reform, 113
Lodger franchise, in England, 137, 148, 149, 174
Long, Sam, election agent in England, 122, 123
Lot: Athens, 2-3
Rome, 5
Venice, 24
Florence, 25
Louis XVI of France, 307, 311, 312
Louis XVIII of France, 326, 328, 329, 336
Louis Philippe, King of the French, 342 ff.
Louis Napoleon Bonaparte, 354, 355, 356, 357, 359, 361, 364, 367, 371, 375
Lowe, Robert, opposition to electoral reform in England, 136
Lowther, Sir James, borough faction in England, 83, 84

Magna Charta, 44, 51
Marie Antoinette, 307, 312
"Marrow fat" fraud, 259
Marsiglio of Padua, 10, 32, 37
Middle Ages: Episcopal towns, 17-18
economic effect of crusades, 18
communal revolt, 19-21
communal government, 23 ff.
Medieval City Council, 26; elections to ——, 27 ff.
general assembly, 29-30
national assemblies, 31-32
imperial elections, 33-35
Middle Ages: Papal elections, 35-37
end of medieval parliamentarism, 38
Midhurst, rotten borough in England, 83
Model Parliament of 1295 in England, 46, 48, 56
Montesquieu, 11, 12

"Nabobs," control of boroughs in England, 88-89
Napoleon I, 321, sqq.
Napoleon III (see Louis Napoleon Bonaparte)
Natal, franchise in, 202
National American Woman's Suffrage Association, 238
National Assembly of 1848, in France, 351
National Committee in United States, 267, 290
National Woman's Rights Convention, 236
Negro Suffrage in United States, 239-44
New Hampshire: Constitution of 1784, 12, 227
franchise in, 232
New Zealand, electoral system, 195, 196
Nicholas II, 36
Nicholas of Curs, 10, 32
Nomination of candidates to seats in British House of Commons, 80, 81-90, 117
Nomination: American colonies, 216
the nominating caucus in the U. S., 270-72
the nominating convention, 272-74, 277-81
unreformed primaries, 273-76

Nomination: Direct primaries, 281-87
non-partisan primaries, 288
Presidential nominating convention, 290 ff.
France, 373
Nomination by petition, 288
Norman Conquest, 42
North, Lord, interference in English elections, 87
Northampton, election of 1768 in, 99, 110

Official candidature: France, 319, 320, 324-25, 336, 337, 346, 347, 348, 353, 358-60, 361-64, 375
Old Sarum, 79, 82
Orange Free State, franchise in, 201

Palgrave, on early English elections, 66
Palmerston, Viscount, 133
Papal elections, 36-37
Parlamento, 23
Parliament: In Great Britain, development of, 39-63
of Canada, 186
of Australia, 191
of New Zealand, 195
of South Africa Union, 197, 198
Parliament Act of 1911, in Great Britain, 162, 168
Parti Socialist Unifié, 390
Parties: United States, 266-89, 291, 298, 300, 302, 304
France, 365-66, 368, 383, 384 ff.
Party platform in United States, 284, 291
Pepys, Samuel, 76, 77
Pitt, William, 63, 82, 83, 114
Place, Francis, on Reform Act of 1832, 118
Plural Vote: England, 151-53, 162, 166, 167, 175, 176, 179
prohibited in Cape of Good Hope, 203
France, 369
Plymouth Colony, 11
Pocket boroughs in England, 81-90, 117
Podesta, 23
"Potwaller" franchise in England, 71, 75
Preferential vote: United States, 283
President of United States: Nomination of, 290-95
reasons for indirect election, 296
Electoral College, 296 ff.
counting of electoral votes, 300-304
electoral Count Act, 303
needed reform of Electoral College, 304-05
Primaries: United States, 273-74
reform in U. S., 275
procedure in U. S., 276
introduction of direct primaries, 281
procedure in direct primaries, 282
preferential vote, 283
party platform in direct primaries, 284
effects of direct primaries, 285-86
non-partisan primaries, 288
Priori, 24
Property qualification: Origin, 8
medieval town, 22

Property qualification: England, 67, 75, 117, 137, 144, 147-153, 174
American colonies, 207, 210-212, 216
New York State 1821, 233
France, 309, 315, 329, 336, 342, 344, 345, 355, 369
Proportional representation: England, 173, 174, 178
South Africa, 200
France, 381, 384 ff., 388
Proxy vote in American colonies, 220-22
"Pudding" ballot, 259
"Punch" bribery agent in British elections, 98, 99

Queensland, alternative vote in, 193, 194

Redistribution of seats, in England, 117, 139, 144, 177, 179
Redistribution Act of 1885, in England, 144, 153
Redistribution Bill of 1905 in England, 165, 166
Reform, of elections in England, 113-120, 132-138, 141-144, 163-180
Reform Act of 1832, 64, 116-20, 132
Reform Bill of 1866, in England, 135-136
Reform Act of 1867 in England, 136-138
Reform Act of 1884, in England, 143, 144
Reform Bill of 1912, in England, 169
Reform Act of 1918, in England, 173-180
Registration: In England, 117, 130-131, 144, 147, 176
Registration: In Canada, 188
in Australia, 193
in New Zealand, 196
in South Africa, 202
in United States, 260-61, 275, 276
in France, 372, 374
Reign of Terror, in France, 314
Religious qualification: In American colonies, 212-15
in early states, 228
Repeating: United States, 260-61
France, 377
Residence qualifications: In England, 174, 175
in Canada, 188
in Australia, 192
in New Zealand, 196
in South Africa Union, 200, 201, 202
in United States, 234-35
in France, 354, 356, 370, 372
Revolution of 1848, in France, 351
Richard II, King of England, compelled to abdicate by Parliament, 56
Rivet Law, 368
Robinson, John, 11
Robespierre, 311, 318
Rotten boroughs, in England, 81-90, 117
Roundheads, in England, 60
Rousseau, 11, 227, 306
Russell, Lord John, 115, 118, 132

Sachsenspiegel, 34
Saladin Tithe, 44
Salisbury, Marquis of, on British franchise, 164
Saxon Chronicle, 43
"Scot and lot" borough franchise in England, 75, 78

Scrutin d'arrondissement in France, 335, 356, 362, 370, 375, 380-81
arguments for and against, 381-82
Scrutin de liste in France, 332, 335, 362, 370, 375, 380
arguments for and against, 381-384
connection with proportional representation, 384
Seddon, Richard, 195
Selwyn, George, as borough faction in England, 87
Senators: Election of U. S. Senators, 295-96
September massacres, in France, 319
Shoreham, corruption in, 98
Siéyès, Abbé, 13
Simon de Montfort, 45, 46
Socialists, in France, 350, 351
South Africa Act, 197
"Spendthrift election" of 1768 at Northampton, 99, 110
Stanton, Elizabeth Cady, 236
Sudbury, electoral corruption in, 97
Suffrage (see Franchise)

Tacitus, 7, 33, 40, 44
Tax qualification: Reason for, 15
medieval town, 22
early United States, 232
United States, 235, 242
Tax qualification: France, 369
Thiers, 348, 368
Third Estate, 30, 31, 32
Thirsk, pocket borough in England, 82
Tories, in England, 63; defense of old electoral system, 89, 118
Transvaal, franchise in, 201
Treating, in elections (see Fraud)
Treating Act, of 1696, directed against bribery in England, 96
Trevelyan, Sir George, on rotten borough of Midhurst, 83
Tribune, election of Roman, 5
Tweed, "Boss," 260, 261, 270

Unit rule, 292
Universal suffrage: France, 313, 323, 351, 355, 356, 369, 371, 391
University representation in England, 64

Viviani, René, 389, 390
Voters (see Franchise)
Voting (see under *Country:* electoral procedure)

Walpole, Sir Robert, use of corruption, 93
Wars of the Roses, 57
Washington, Booker T., 243
Waterloo, 327
Watts, James, effect of inventions, 78, 113
Wellington, Duke of, opposed to reform in England, 116
Westminster, elections in, 100, 103, 105
Wharton, Marquis of, influence in British elections, 92-93
Whigs, in England, 63
Wilberforce, reformer, 99, 100, 109
William the Conqueror, 42, 43
William of Ockham, 10, 37
William of Orange, 62
Witanagemot, in England, 40, 41, 42, 43

Woman suffrage: England, 161, 169, 170, 171, 172, 173, 175, 179
Australia, 192
New Zealand, 196
United States, 235-39

Wray, Sir Cecil, in Westminster election of 1784, 100-101, 105

Zurich, city councils in, 28

ENGLISH LEADERSHIP

BY

J. N. LARNED

Compiler of "History for Ready Reference," "Seventy Centuries of the Life of Mankind," etc.

WITH INTRODUCTION BY

WILLIAM HOWARD TAFT

AND SUPPLEMENTARY ESSAYS BY

DONALD E. SMITH AND GRACE F. CALDWELL

There are no more inspiring chapters in the history of mankind than those recording the glorious achievements of the English speaking races. The authors have taken the most notable of these, particularly in the fields of Literature, Law and Science, and in a brief, yet complete narrative, present the glowing account of the debts which the world owes Great Britain and America for the developments which have meant so much to the welfare of humanity. Without pretending to be a complete history of this inexhaustible subject, the volume omits no essential facts. It is a book which will convey to the reader in trenchant style, the course of the great events in the making of civil liberty and representative government. Its perfect arrangement and interesting style make it easily remembered and thoroughly enjoyable.

$2.75 net

C. A. NICHOLS COMPANY, PUBLISHERS
SPRINGFIELD, MASSACHUSETTS

Other Works of Enduring Interest and Value

SEVENTY CENTURIES
OF THE LIFE OF MANKIND

BY J. N. LARNED
Author of "English Leadership," etc.

A clear disclosure of the main movements of events in the world's history from the earliest recorded incidents through all stages of civilization down to the present times. Divided into six well-defined Epochs in the drama of the World's history, with sketches of the chief characters of each epoch. Two volumes, 8vo, with individual indexes and bibliographies. Profusely illustrated in color and black and white.

Cloth, $5.00 per set.
Russia Red, half morocco, $6.00 per set.

"GET THE LARNED HABIT"

HISTORY FOR READY REFERENCE

EDITED BY J. N. LARNED

Embodies in one work the combined historical knowledge and research of all ages and all writers presented in the actual words of the greatest historians. In eight volumes, with numerous maps and drawings. Price on application.

C. A. NICHOLS COMPANY, PUBLISHERS
SPRINGFIELD, MASSACHUSETTS

DATE DUE

DE 24 '64
OCT 13 '65
NOV 3 '65
NOV 22 '68

WITHDRAWN FROM
OHIO NORTHERN
UNIVERSITY LIBRARY

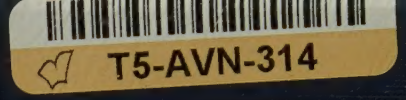
GAYLORD PRINTED IN U.S.A.

HETERICK MEMORIAL LIBRARY
324 S52 v.1 onuu
Seymour, Charles / How the world votes : t
3 5111 00174 9559

324
552
v.1

OCLC

Heterick Memorial Library
Ohio Northern University
Ada, Ohio 45810


T5-AVN-314